

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

WILLIAM LANIER ELLIS, SR.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:08-cv-55-WKW-SRW
)	
TOMMY BOSWELL,)	
)	
Defendant.)	

SPECIAL REPORT

COMES NOW Russell County Sheriff, Tommy Boswell, the Defendant in the above styled cause, and submits this Special Report to the Court.

INTRODUCTION

On January 23, 2008, the Plaintiff filed his Complaint with this Court, naming as a Defendant Russell County Sheriff, Tommy Boswell.¹ On January 2, 2008, the Court ordered this Defendant to file his Special Report, and on March 4, 2008, the Defendant filed a Motion for Extension of Time. (Docs. 2, 6.) On March 3, 2008, the Court granted the Motion for Extension of Time and Ordered the Special Report be filed not later than March 31, 2008. (Doc. 6.)

PLAINTIFF'S ALLEGATIONS

The Plaintiff's Complaint appears to allege claims for violation of his rights under the Eighth Amendment, as well as violations of various other rights under Alabama law, for deliberate indifference to his purported mental health, dental, and optical conditions, as well as for cruel and unusual punishment in the purported denial of recreation time. (Doc. 1, p. 3.) The

¹ On October 12, 2007, the Plaintiff filed a Complaint with this Court against other Defendants for similar claims. (3:07-cv-920-MHT-SRW, Doc. 1.) Those Defendants have already filed their Special Report and Answer. (3:07-cv-920-MHT-SRW, Docs. 38, 39.)

Plaintiff requests injunctive relief and an unspecified amount of monetary damages for “pain and suffering.” (Doc. 1, p. 4.)

DEFENDANT’S RESPONSE TO PLAINTIFF’S ALLEGATIONS

The Defendant denies the allegations made against him by Plaintiff as being untrue and completely without basis in law or fact. The Defendant denies that he acted, or caused anyone to act, in such a manner as to deprive the Plaintiff of any right to which he was entitled. The Defendant raises the defenses of Eleventh Amendment immunity, absolute immunity, qualified immunity, the Prison Litigation Reform Act (“PLRA”), and additional defenses presented below. The Defendant reserves the right to add additional defenses if any further pleading is required or allowed by the Court.

FACTS

The Plaintiff was arrested on October 5, 2006, pursuant to an alias warrant, for driving without a license. (Exhibit A, Inmate Records of William Ellis, “Inmate Records,” 10/05/06 Uniform Arrest Report; Exhibit B, Inmate Records, Alias Warrant.)² The Plaintiff was later charged with driving with a suspended license. (Exhibit C, Inmate Records, 10/11/06 Uniform Arrest Report.) On February 20, 2007, a warrant was issued for the arrest of the Plaintiff on the charge of attempted murder, and on March 9, 2007, the warrant was executed on the Plaintiff in the Russell County Jail. (Exhibit D, Inmate Records, 2/20/07 Warrant; Exhibit E, Inmate Records, 3/9/07 Uniform Arrest Report.)

a. The Plaintiff’s medical treatment

A full account of the Plaintiff’s medical treatment up to January 4, 2008, is available in the Defendants’ Special Report and the attached exhibits in case number 3:07-cv-00920-MHT-

² The Plaintiff’s entire inmate and medical files, as of January 4, 2008, have already been submitted to this Court as Exhibits A through H to Doc. 39 in case number 3:07-cv-00920-MHT-SRW. The remainder of the Plaintiff’s inmate and medical files as of March 18, 2008, were submitted as Exhibit I to Doc. 18 in case number 3:07-cv-1095.

SRW. In summary, the Plaintiff entered the Russell County Jail with a ruptured disc in his back, and received continuous treatment, including numerous medications,³ from Dr. Warr and the medical staff at the Russell County Jail. (See, Exhibits A through H to Doc. 39, 3:07-cv-00920-MHT-SRW.) The Plaintiff was also taken to see a neurologist, a chiropractor, and doctors at Summit Hospital for his back pains. (See, Exhibits A through H to Doc. 39, 3:07-cv-00920-MHT-SRW.) All these medical providers confirmed the ruptured disc in the Plaintiff's back and prescribed treatment and medications for that condition. (See, Exhibits A through H to Doc. 39, 3:07-cv-00920-MHT-SRW.)

On January 22, 2008, the Plaintiff was transported to Auburn, Alabama, where he was seen by Dr. Wayne Warren for his lower back pains. (Exhibit F, Medical Records of William Ellis, "Inmate Medical Records," 1/22/08 History and Physical; Exhibit G, Inmate Medical Records, 1/30/08 Email re: Plaintiff's surgery.) Dr. Warren concluded that the Plaintiff had a herniated disc and degenerative disc disease and recommended that the Plaintiff either undergo extensive physical therapy and steroid treatment, or that he undergo back surgery. (Inmate Medical Records, 1/22/08 History and Physical.) The Plaintiff elected to undergo back surgery, and on January 31, 2008, the Plaintiff was transported to East Alabama Medical Clinic for back surgery. ("Inmate Medical Records," 1/22/08 History and Physical; Exhibit H, Inmate Medical Records, Treatment Log for William Ellis, p. 10.)

During February of 2008, the Plaintiff was scheduled for an appointment with Dr. Rowe of the East Alabama Mental Health Center, but the Plaintiff refused to meet with Dr. Rowe. (Exhibit I, Inmate Medical Records, 2/7/08 letter from East Alabama Mental Health Center.)

Since his back surgery, the Plaintiff has continued to see Dr. Warren and the physicians at

³ These medications include Zantez, Phenobarbital, Naproxen, Tramadol, Buspar, Pseudophedrine, Effexor, Mirtazapine, Diphenhydramine, Lopressor, and Robaxin. (See Exhibits A through H to Doc. 39, 3:07-cv-00920-MHT-SRW.) The Plaintiff received these medications intermittently over the course of his incarceration at the Russell County Jail.

Summit Hospital for further treatment for his back condition. (Exhibit J, Inmate Medical Records, 2/29/08 letter from Dr. Warren and evaluation; Exhibit K, Inmate Medical Records, 3/12/08 Summit Hospital Radiology Consultation Report.) The Plaintiff never filed any medical request or grievance relating to any mental health, or dental, conditions. (See Exhibit I to Doc. 18 in case number 3:07-cv-1095; see also Exhibit L, Inmate and Medical Records from 3/1/08 to 3/28/08.⁴) He only filed one grievance regarding his prescription eye glasses. (Exhibit M, 1/20/08 Inmate Grievance Form.) That request was referred to the medical staff at the Russell County Jail. Almost every other medical request or grievance that the Plaintiff has filed relates in some way to his medication or back pain. (See Exhibits A through H to Doc. 39, 3:07-cv-00920-MHT-SRW; Exhibit I to Doc. 18 in case number 3:07-cv-1095, Inmate and Medical Records from 3/1/08 to 3/28/08; Exhibit N, Supplemental Inmate Records⁵; Exhibit O, Affidavit of Loetta Holland, “Holland Aff.,” ¶ 12.)

b. The Russell County Jail medical services policy

At all times relevant to the Plaintiff’s Complaint, it was the policy of the Russell County Sheriff’s Office that all inmates confined in the Russell County Jail are entitled to medical services as circumstances dictated and as deemed necessary by the nurses on call or the visiting physician for maintaining their physical and mental health. (Exhibit P, Affidavit of Thomas F. Boswell, “Boswell Aff.,” ¶ 9; Holland Aff., ¶ 9.) Inmates in the Russell County Jail may receive medical treatment by requesting it through the medical request forms available to them, and the Plaintiff received medical treatment when he requested it. (Boswell Aff., ¶ 9; Holland Aff., ¶¶ 9, 12-13; see also, Exhibits A through H to Doc. 39, 3:07-cv-00920-MHT-SRW; Exhibit I to Doc.

⁴ The Defendant has attached the remaining documents in the Plaintiff’s inmate and medical files to this Special Report through March 28, 2008, as Exhibit J. Attached to the Special Reports in the Plaintiff’s three actions before this Court, then, are all his inmate and medical records from the date of his incarceration through March 28, 2008.

⁵ In the abundance of caution the Defendant submits in Exhibit N documents in the Plaintiff’s inmate file dating from January 4, 2008, to March 28, 2008. The Defendant is not certain that these documents are not already part of an exhibit in one of the Plaintiff’s three pending actions before this Court.

18 in case number 3:07-cv-1095, Inmate and Medical Records from 3/1/08 to 3/28/08.) It the policy of the Russell County Jail that no member of the jail staff, or other Sheriff's Office employee, could ever summarily or arbitrarily deny an inmate's reasonable request for medical services. (Boswell Aff., ¶ 10; Holland Aff., ¶ 10.) All judgments regarding the necessity of medical treatment are left to a licensed health care practitioner. (Boswell Aff., ¶ 10; Holland Aff., ¶ 10.) The Russell County Jail employs a full-time Licensed Practical Nurse, Nurse Riley-Pelfrey, and Dr. Warr, who visits the Jail twice a week for inmate sick call. (Holland Aff., ¶ 11.)

c. The Russell County Jail exercise policy

At all times relevant to the Plaintiff's Complaint, it has been the policy of the Russell County Jail that inmates be allowed outdoor recreation time when weather and security conditions permit. (Boswell Aff., ¶ 5; Holland Aff., ¶ 4.) Even when weather and security are not conducive for outdoor recreation, inmates are afforded an opportunity to exercise indoors in large day rooms, except when they are placed on lock-down or administrative segregation. (Boswell Aff., ¶ 6; Holland Aff., ¶ 6.)

d. The Russell County Jail grievance policy

It is the policy of the Russell County Jail that all inmates are permitted to submit grievances to the jail administration and that each grievance will receive a response. (Boswell Aff., ¶¶ 7, 8; Holland Aff., ¶¶ 6, 7.) Inmate grievance forms are made available to inmates upon request, and upon completion, they are delivered to the Jail staff, who will provide a response or forward the grievance to the Jail Administrator, who will issue a response. (Boswell Aff., ¶¶ 7, 8; Holland Aff., ¶¶ 6, 7.) Copies of all grievances are placed in the inmate's file. (Boswell Aff., ¶ 8; Holland Aff., ¶ 7.) With the exception of his lack of eye glasses, the Plaintiff has not filed a grievance, in accordance with the Russell County Jail grievance policy, regarding any of the allegations made in his Complaint. (Holland Aff., ¶ 8.)

LAW

I. The Plaintiff's claims are barred because he has failed to comply with the provisions mandated by 42 U.S.C. § 1997e(a) of the Prison Litigation Reform Act ("PLRA").**A. The Plaintiff has failed to exhaust all available administrative remedies.**

The claims alleged in the Plaintiff's Complaint are barred by the PLRA. The Court's adherence to mandates of the PLRA is essential to ensure that the "flood" of frivolous claims for constitutional violations does not burden and hinder the Court's consideration of legitimate claims presented by pro se litigants. See Harris v. Garner, 216 F.3d 970, 972 (11th Cir. 2000) ("In an effort to stem the flood of prisoner lawsuits in federal court, Congress enacted the Prison Litigation Reform Act of 1995, Pub. L. No. 104-134, 110 Stat. 1321 (1996) ('PLRA')."). As the Supreme Court recently recognized in Jones v. Bock:

Prisoner litigation continues to "account for an outsized share of filings" in federal district courts. Woodford v. Ngo, 548 U.S. ----, ----, n.4, 126 S. Ct. 2378 (2006) (slip op., at 12, n.4). In 2005, nearly 10 percent of all civil cases filed in federal courts nationwide were prisoner complaints challenging prison conditions or claiming civil rights violations.[footnote omitted] Most of these cases have no merit; many are frivolous. Our legal system, however, remains committed to guaranteeing that prisoner claims of illegal conduct by their custodians are fairly handled according to law. The challenge lies in ensuring that the flood of nonmeritorious claims does not submerge and effectively preclude consideration of the allegations with merit. See Neitzke v. Williams, 490 U.S. 319, 327 [] (1989).

Congress addressed that challenge in the PLRA. What this country needs, Congress decided, is fewer and better prisoner suits. See Porter v. Nussle, 534 U.S. 516, 524, [] (2002) (PLRA intended to "reduce the quantity and improve the quality of prisoner suits"). To that end, Congress enacted a variety of reforms designed to filter out the bad claims and facilitate consideration of the good. *Key among these was the requirement that inmates complaining about prison conditions exhaust prison grievance remedies before initiating a lawsuit.*

127 S. Ct. at 914 (emphasis added). Uniform adherence to all the provisions of the PLRA, especially the grievance exhaustion requirement, is mandatory for inmate litigants and the courts

to ensure that the federal judicial system can effectively “separate the wheat from the chaff” with regard to claims asserted by inmate litigants.

The first section of the PLRA provides:

No action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.

42 U.S.C. § 1997e(a) (emphasis added). Under this provision of the PLRA, an inmate is required to exhaust all administrative remedies before instituting an action under 42 U.S.C. § 1983, and the Court is precluded from granting relief to any plaintiff who has not exhausted *all* his administrative remedies. In Woodford v. Ngo, ___ U.S. ___, 126 S. Ct. 2378, 2382 (2006), the Supreme Court held, “Exhaustion is no longer left to the discretion of the district court, but is *mandatory*.” See also Booth v. Churner, 532 U.S. 731, 739 (2001) (“Prisoners must now exhaust all ‘available’ remedies, not just those that meet federal standards.”). However, as the Supreme Court recognized in Jones v. Bock, each prison sets its own parameters for what constitutes compliance with its grievance policy:

In Woodford, we held that to properly exhaust administrative remedies prisoners must “complete the administrative review process in accordance with the applicable procedural rules,” 548 U.S., at ___, 126 S. Ct. 2378 [] – rules that are defined not by the PLRA, but by the prison grievance process itself.... The level of detail necessary in a grievance to comply with the grievance procedures will vary from system to system and claim to claim, but it is the prison’s requirements, and not the PLRA, that define the boundaries of proper exhaustion.

127 S. Ct. at 922-23.

Here, the Plaintiff has not filed any grievance regarding his treatment for any mental health, dental, or optical conditions, nor has he filed any grievance regarding his recreation time. The Plaintiff has not complied with the provisions of the Russell County Jail grievance policy, so he cannot be deemed to have exhausted all available administrative remedies available to him, as

is required by § 1997e(a) of the PLRA. Therefore, any claims alleged in his Complaint are due to be dismissed.

B. Plaintiff's claims are barred by the PLRA because he has not suffered any physical injury as a result of the allegations in his Amended Complaint.

Regarding claims by inmates for mental or emotional damages, the Eleventh Circuit has held: "No Federal civil action may be brought by a prisoner confined in a jail, prison, or other correctional facility, for mental or emotional injury suffered while in custody without a prior showing of physical injury In order to avoid dismissal under § 1997e(e), a prisoner's claims for emotional or mental injury must be accompanied by allegations of physical injuries that are greater than *de minimis*." Mitchell v. Brown & Williamson Tobacco Corp., 294 F.3d 1309 (11th Cir. 2002). The Plaintiff requests monetary damages for "pain and suffering." (Doc. 1, p. 3.) However, the Plaintiff has made no showing of any physical injury whatsoever, much less a showing of a physical injury that is greater than *de minimis*. As a result, his Complaint is due to be dismissed under the provisions of § 1997e(e) of the PLRA.

II. Alternatively, this Defendant is entitled to be dismissed based on absolute and qualified immunity.

Additionally, the Plaintiff's claims are barred on two immunity grounds. First, this Defendant is absolutely immune from any state law claim under Article I, § 14 of the Alabama Constitution of 1901 in both his official and individual capacities. Second, in his individual capacity, this Defendant is entitled to qualified immunity to any federal claims.

A. This Defendant is entitled to absolute immunity from any state law claims the Plaintiff may have asserted in his Complaint.

To the extent that this Court construes the Plaintiff's Complaint as alleging any state law claims, the Defendant is absolutely immune from money damages under Article I, § 14 of the

Alabama Constitution of 1901. Article I, § 14 of the Alabama Constitution of 1901 provides “[t]hat the State of Alabama shall never be made a defendant in any court of law or equity.” This section grants the State and its agencies “absolute” immunity from suit in any court. Ex parte Mobile County Dep’t of Human Res., 815 So. 2d 527, 530 (Ala. 2001). Section 14 immunity bars “almost every conceivable type of suit.” Hutchinson v. Bd. of Trustees of Univ. of Ala., 256 So. 2d 281, 283 (Ala. 1971). Section 14 immunity is “nearly impregnable.” Patterson v. Gladwin Corp., 835 So. 2d 137, 142 (Ala. 2002).

Under the Alabama Constitution of 1901, sheriffs are executive officers of the State of Alabama. See Alabama Constitution of 1901, art. V, § 112; Oliver v. Townsend, 534 So. 2d 1038, 1044 (Ala. 1988); Hereford v. Jefferson County, 586 So. 2d 209, 210 (Ala. 1991); see also McMillian v. Monroe County, 117 S. Ct. 1734 (1997) (holding that an Alabama sheriff represents the State of Alabama when executing law enforcement duties). A sheriff’s employees are legally an extension of the sheriff and are likewise considered officers of the State of Alabama. See Ex parte Sumter County, 953 So. 2d 1235 1239-40 (Ala. 2006) citing Mosely v. Kennedy, 17 So. 2d 536, 537 (Ala. 1944) (“Deputies and jailers are alter egos of the Sheriff and are state employees.”); Hereford, 586 So. 2d at 210. Suits against Alabama sheriffs and their employees are therefore prohibited because they are suits against the State. See Parker v. Amerson, 519 So. 2d 442, 446 (Ala. 1987); Hereford, 586 So. 2d at 210; Ex parte Haralson, 853 So. 2d 928, 932 (Ala. 2003). This is true even when the sheriff is sued “individually, and as Sheriff.” Parker, 519 So. 2d at 445.

There are only limited exceptions to this immunity. An Alabama sheriff is immune from suit

except for actions brought (1) to compel him to perform his duties, (2) to compel him to perform ministerial acts, (3) to enjoin him from enforcing unconstitutional laws, (4) to enjoin him from acting in bad faith, fraudulently, beyond his

authority, or under mistaken interpretation of the law, or (5) to seek construction of a statute under the Declaratory Judgment Act if he is a necessary party for the construction of the statute.

Parker, 519 So. 2d at 443. Accordingly, even in situations where sheriffs and their employees are sued for negligence or bad faith, the only exceptions to sovereign immunity allowed by the Alabama Supreme Court under Art. 1, § 14 of the Alabama Constitution of 1901, are to enjoin their conduct. Alexander v. Hatfield, 652 So. 2d 1142, 1143 (Ala. 1994). With only these narrow exceptions, Alabama sheriffs and their deputies are immune from suit. Ex parte Purvis, 689 So. 2d at 796; Ex parte Blankenship, 893 So.2d 303, 305 (Ala. 2004).

The Alabama Supreme Court has again affirmed that sheriffs and deputies enjoy absolute immunity to state law money damages claims. Ex parte Davis, 930 So. 2d 497, 501 (Ala. 2005). In Davis, the Conecuh County Circuit Court refused to grant a Conecuh County deputy's motion to dismiss state law money damages claims. 930 So. 2d at 499. Plaintiff's claims against the deputy included false imprisonment, assault and battery, outrage, wantonness, negligence, trespass, and conversion. Id. Granting the deputy's petition for a writ of mandamus and instructing the circuit court to grant the motion to dismiss, the Alabama Supreme Court held that "an action against a sheriff – or a deputy sheriff – for damages arising out of the performance of his duties is essentially a suit against the state" and thereby barred under Article I, § 14 of the Alabama Constitution of 1901. Id. at 501 (internal quotations and citations omitted).

Here, the Plaintiff has requested injunctive relief in his Complaint, but as discussed below he has received all the medical treatment to which he is entitled and then some. All claims for monetary damages are likewise barred by the absolute immunity afforded this Defendant under Article I, § 14 of the Alabama Constitution of 1901.

III. All claims against this Defendant in his official capacity must fail based on Eleventh Amendment immunity and because he is not a “person” under 42 U.S.C. § 1983.

The Plaintiff’s claims against this Defendant in his official capacity are due to be dismissed for lack of subject matter jurisdiction; as such claims are barred by the Eleventh Amendment to the United States Constitution. Parker v. Williams, 862 F.2d 1471, 1476 (11th Cir. 1989) (holding a sheriff sued in his official capacity is entitled to Eleventh Amendment immunity); Free v. Granger, 887 F.2d 1552, 1557 (11th Cir. 1989) (holding that a sheriff sued in his official capacity is entitled to Eleventh Amendment immunity); Carr v. City of Florence, 918 F.2d 1521, 1525 (11th Cir. 1990) (holding a deputy sheriff sued in his official capacity is entitled to Eleventh Amendment immunity); Lancaster v. Monroe County, 116 F.3d 1419, 1430-31 (11th Cir. 1997) (extending Eleventh Amendment immunity to include jailers employed by county sheriffs).

In addition, the official capacity claims must fail because 42 U.S.C. § 1983 prohibits a *person*, acting under color of law, from depriving another of his rights secured by the United States Constitution. 42 U.S.C. § 1983 (emphasis added). The United States Supreme Court has held that state officials, in their official capacities, are not “persons” under § 1983. Will v. Michigan Dep’t of State Police, 491 U.S. 58, 71 (1989). Any claims against the Defendant in his official capacity should therefore be dismissed because he is not a “person” under § 1983 and therefore claims against him in his official capacity fails to state a claim upon which relief can be granted. Id.; Carr, 916 F.2d at 1525 n.3.

IV. Alternatively, this Defendant is entitled to qualified immunity in his individual capacity because nothing in his conduct crossed a “bright line” contour of clearly established constitutional law.

Sheriff Boswell was acting within his discretionary authority as the Russell County Sheriff at all times relevant to the Plaintiff’s Complaint because all his actions were taken in the

furtherance of his duties. See, e.g., Holloman ex rel. Holloman v. Harland, 370 F.3d 1252 (11th Cir. 2004). All actions alleged in the Plaintiff's Amended Complaint are necessarily law enforcement activities. Once a defendant has asserted the defense of qualified immunity and shown that he was acting within his discretionary authority, the threshold inquiry a court must undertake is whether the plaintiff's allegations, if true, establish a constitutional violation. Saucier v. Katz, 533 U.S. 194, 201 (2001). This initial inquiry is whether "[t]aken in the light most favorable to the party asserting the injury, do the facts alleged show the officer's conduct violated a constitutional right?" Id. (citing Siegert v. Gilley, 500 U.S. 226, 232 (1991)).

1. This Defendant did not violate the Plaintiff's federally protected rights.

The Plaintiff has alleged violations of his constitutional rights under the Eighth Amendment for deliberate indifference to his purported mental health, dental, and optical conditions, as well as for cruel and unusual punishment in the purported denial recreation time.

a. Medical Treatment

In order to prevail under 42 U.S.C. § 1983 on this claim, Plaintiff must demonstrate that Captain Arthur was deliberately indifferent to a "serious" medical condition, such that the Defendant's conduct constitutes an Eighth Amendment violation.⁶ See Hudson v. McMillian, 503 U.S. 1, 9 (1992) ("Because society does not expect that prisoners will have unqualified access to health care, deliberate indifference to medical needs amounts to an Eighth Amendment violation only if those needs are 'serious.'") (citing Estelle v. Gamble, 429 U.S. 97, 103-04

⁶ The Fourteenth Amendment analysis for a pretrial detainee, as the Plaintiff was during part of the time relevant to his allegations in the Complaint, is the same as an Eighth Amendment analysis. See Andujar v. Rodriguez, 486 F.3d 1199, 1203 n.3 (11th Cir. 2007) ("Claims of deliberate indifference to the serious medical needs of pretrial detainees are governed by the Fourteenth Amendment's Due Process Clause rather than by the Eighth Amendment's Cruel and Unusual Punishment Clause, which governs similar claims by convicted prisoners. Lancaster v. Monroe County, 116 F.3d 1419, 1425 n.6 (11th Cir. 1997). Because "[w]e have held that the minimum standard for providing medical care to a pre-trial detainee under the Fourteenth Amendment is the same as the minimum standard required by the Eighth Amendment for a convicted prisoner," we analyze Andujar's claim under the decisional law of both amendments. Id.").

(1976). In Estelle, the Supreme Court stated:

[I]n the medical context, an inadvertent failure to provide adequate medical care cannot be said to constitute ‘an unnecessary and wanton infliction of pain’ or to be ‘repugnant to the conscience of mankind.’ Thus, a complaint that a physician has been negligent in diagnosing or treating a medical condition does not state a valid claim of medical mistreatment under the Eighth Amendment. Medical malpractice does not become a constitutional violation merely because the victim is a prisoner. In order to state a cognizable claim, a prisoner must allege acts or omissions sufficiently harmful to evidence deliberate indifference to serious medical needs. *It is only such indifference that can offend “evolving standards of decency” in violation of the Eighth Amendment.*

429 U.S. at 105-06 (emphasis added). See also, Farmer v. Brennan, 511 U.S. 825, 837 (1994) (“Deliberate indifference describes a state of mind more blameworthy than negligence.”). Furthermore, where a prisoner has received medical attention and the dispute concerns the adequacy of the medical treatment, deliberate indifference is not shown. Hamm v. DeKalb County, 774 F.2d 1567 (11th Cir. 1985).

An inmate does not have a right to a *specific* kind of treatment. City of Revere v. Massachusetts General Hosp., 463 U.S. 239, 246 (1983) (holding, “the injured detainee’s constitutional right is to receive the needed medical treatment; *how [a municipality] obtains such treatment is not a federal constitutional question.*”) (emphasis added). Additionally, this Court should not substitute its medically untrained judgment for the professional judgment of the medical health professionals who treated Plaintiff. See Waldrop v. Evans, 871 F.2d 1030, 1035 (11th Cir. 1989) (observing that “when a prison inmate has received medical care, courts hesitate to find an Eighth Amendment violation”); Hamm v. DeKalb County, 774 F.2d 1567, 1575 (11th Cir. 1985) (stating that the evidence showed the plaintiff received “significant” medical care while in jail, and although plaintiff may have desired different modes of treatment, care provided by jail did not constitute deliberate indifference), cert. denied, 475 U.S. 1096 (1986); Westlake v. Lucas, 537 F.2d 857, 860 n.5 (6th Cir. 1976) (stating “Where a

prisoner has received some medical attention and the dispute is over the adequacy of the treatment, federal courts are generally reluctant to second guess medical judgments”).

Here, the Plaintiff has received extensive medical care, the degree of which he likely would not have received outside the Russell County Jail. He has submitted no medical request form for any vision, dental, or mental health condition. The Complaint fails to allege any vision, dental, or mental health condition from which the Plaintiff may, in fact, be suffering, and even if it could be construed as alleging any such condition, it fails to describe any condition that could be considered serious. And despite the Plaintiff’s failure to properly request mental health treatment, he was nevertheless provided such treatment, which he subsequently refused. The evidence before this Court reveals that the Plaintiff has been provided extensive medical care, most of which the Russell County Jail was not obligated to provide under § 1983, so the Plaintiff has failed to state any claim for deliberate indifference to a serious medical condition. Accordingly, the Plaintiff’s deliberate indifference claim against this Defendant is due to be dismissed.

b. Inmate Exercise

As the Supreme Court recognized in Bell v. Wolfish, 441 U.S. 520, 537 (U.S. 1979):

Not every disability imposed during pretrial detention amounts to “punishment” in the constitutional sense, however ... And the fact that such detention interferes with the detainee’s understandable desire to live as comfortably as possible and with as little restraint as possible during confinement does not convert the conditions or restrictions of detention into “punishment.”

441 U.S. at 537. See also, Rhodes v. Chapman, 452 U.S. 337, 349 (1981). Jail officials must provide humane conditions of confinement, ensuring that inmates receive adequate food, clothing, shelter, and medical care. Hudson v. Palmer, 468 U.S. 517, 526-527 (1984). “The Constitution does not require that prisoners be provided any and every amenity which some person may think is needed to avoid mental, physical, and emotional deterioration.” Newman v.

Alabama, 559 F.2d 283, 291 (5th Cir. 1977), rev'd in part on other grounds, 438 U.S. 781 (1978).⁷ Only where the conditions complained of result in “unquestioned and serious deprivation of basic human needs” do they rise to a constitutional violation. Rhodes, 452 U.S. at 347. A claim is stated only where the conditions of confinement (including failure to protect claims) pose a serious risk to the health or safety of an inmate and the defendant official is deliberately indifferent to that risk. Farmer v. Brennan, 511 U.S. 825, 837 (1994).

To establish a violation of his right to be free from inhumane conditions or treatment, Plaintiff is required to show that Defendant “intentionally imposed the restriction for a punitive purpose.” Wilson v. Blankenship, 163 F.3d 1284, 1291-92 (11th Cir. 1998) (citing Bell v. Wolfish, 441 U.S. 520, 539 (1979)). To establish that a confinement restriction is punitive in nature, Plaintiff must show that the restriction “‘is not reasonably related to a legitimate goal -- if it is arbitrary or purposeless,’” in which case, “‘a court may infer that the purpose of the government action is punishment.’” Wilson, 163 F.3d at 1292 (quoting Lynch v. Baxley, 744 F.2d 1452, 1463 (11th Cir. 1984)).

The Eleventh Circuit has refused to afford relief to inmates for claims for inadequate exercise. See Bass v. Perrin, 170 F.3d 1312, 1317 (11th Cir. 1999) (holding that “the complete denial to the plaintiffs of outdoor exercise, although harsh, did not violate the Eighth Amendment”); Wilson v. Blankenship, 163 F.3d 1284, 1292 (11th Cir. 1998) (“Under the analysis prescribed by Bell, there is no evidence whatsoever in the record that Wilson or any other inmate at MCJ was denied outdoor exercise by Blankenship or Hall as punishment.”) (emphasis added). The Fifth Circuit reached a similar conclusion in Jones v. Diamond, 636 F.2d 1364, 1374 (5th Cir. 1981) (en banc) (holding that, under Bell, the Plaintiff had not

⁷ See Bonner v. City of Prichard, 661 F.2d 1206, 1207 (11th Cir. 1981) (en banc) (decisions of the Fifth Circuit handed down before close of business on September 30, 1981 are binding precedent on the Eleventh Circuit).

stated a claim for violation of his constitutional rights for the absence of outdoor exercise because it was not denied as punishment).

Here, the Plaintiff has not been denied recreation as a form of punishment. Rather, like all other inmates, he is allowed outdoor recreation when weather and security conditions permit. And when he is not locked down or placed in administrative segregation, the Plaintiff can avail himself of all the indoor recreation he desires. Accordingly, the Complaint fails to state any claim against this Defendant for violation of the Plaintiff's Eighth Amendment rights in the denial of outdoor recreation, and that claim is due to be dismissed.

2. No case law placed this Defendant on notice that his conduct would violate Plaintiff's "clearly established" federal rights.

Even had the Plaintiff successfully stated a constitutional violation, he still bears the burden of showing that the state of the law provided the Defendant with "fair warning" that his conduct would violate the Plaintiff's "clearly established" federal rights. Willingham v. Loughnan, 321 F.3d 1299, 1301 (11th Cir. 2003). In determining whether the conduct of the Defendant was clearly established as violating the Plaintiff's constitutional rights, the reviewing court must examine the state of the law at the time the alleged deprivation occurred. See Rodgers v. Horsley, 39 F.3d 308, 311 (11th Cir. 1994).

A constitutional right is clearly established only if its contours are "sufficiently clear that a reasonable official would understand that what he is doing violates that right." Anderson v. Creighton, 483 U.S. 635, 640 (1987); Lancaster, 116 F.3d at 1424. "Unless a government agent's act is so obviously wrong, in the light of pre-existing law, that only a plainly incompetent officer or one who was knowingly violating the law would have done such a thing, the government actor has immunity from suit." Storck v. City of Coral Springs, 354 F.3d 1307, 1318 (11th Cir. 2003), 354 F.3d at 1318 (quoting 28 F.3d at 1149). As the Eleventh Circuit has explained, "[a] plaintiff cannot

rely on . . . ‘broad legal truisms’ to show that a right is clearly established. . . . ‘[i]f case law, in factual terms, has not staked out a bright line, qualified immunity almost always protects the defendant.’” Kelly v. Curtis, 21 F.3d 1544, 1550 (11th Cir. 1994) (reversing denial of qualified immunity as to some defendants) (quoting Post v. City of Fort Lauderdale, 7 F.3d 1552, 1557 (11th Cir. 1992)). “In this circuit, the law can be ‘clearly established’ for qualified immunity purposes only by decisions of the U.S. Supreme Court, Eleventh Circuit Court of Appeals, or the highest court of the state where the case arose,” here, the Alabama Supreme Court. Jenkins v. Talladega Bd. of Educ., 115 F.3d 821, 827 (11th Cir. 1997) (en banc) (citations omitted).

Neither the United States Supreme Court, nor the Eleventh Circuit, nor the Alabama Supreme Court has held a Sheriff liable under 42 U.S.C. § 1983 for deliberate indifference to an inmate’s medical conditions when that inmate received extensive medical treatment inside and outside the county jail. The Eleventh Circuit has recognized a cause of action for deliberate indifference, where an inmate can establish that the deprivation alleged must be, “‘objectively, sufficiently serious’ enough to support an Eighth Amendment claim.” Caffey v. Limestone County, 243 Fed. App’x 505, 509 (11th Cir. 2007) (quoting Boxer X v. Harris, 437 F.3d 1107, 1111 (11th Cir. 2006)) (unreported decision). However, no cases in this Circuit have held a Sheriff liable for deliberate indifference where an inmate has received medical treatment for injuries that were not serious. Therefore, this Defendant cannot be deemed to have violated Plaintiff’s “clearly established” rights under the existing case law.

Likewise, neither the United States Supreme Court, nor the Eleventh Circuit, nor the Alabama Supreme Court has held a Sheriff violated an inmate’s Eighth Amendment rights in the denial of outdoor recreation. Rather, as the Eleventh Circuit has held, an inmate does not have an unqualified right to outdoor recreation. And, where, as here, outdoor recreation was not denied to any inmate as a form of punishment, but was available when weather and

security conditions permitted, there can be no Eighth Amendment infraction. No cases in this Circuit have held a Sheriff liable for the denial of outdoor recreation where there was a legitimate penological interest in denying it and alternative indoor recreation was available. Therefore, this Defendant cannot be deemed to have violated Plaintiff's "clearly established" rights under the existing case law.

3. The text of the constitutional provisions that Plaintiff alleges were violated do not on their face prohibit the Defendant's conduct.

The Eleventh Circuit has recognized an alternate method for establishing that the Defendant had notice that his conduct was unlawful. Accordingly, even where the Plaintiff cannot demonstrate that the case law provides the Defendant notice that his conduct violates Plaintiff's constitutional rights, as is the case here, he can establish that the Defendant still had "fair warning" of the constitutional deficiencies of his conduct from the text of the constitutional provision in question. In such a case, Plaintiff must either demonstrate that the pertinent federal statute or federal constitutional provision is specific enough on its face to prohibit the Defendant's conduct as unconstitutional, even in the total absence of case law. Storck, 354 F.3d at 1317. The Eleventh Circuit has identified the latter method as an "obvious clarity" case. Vinyard v. Wilson, 311 F.3d 1340, 1350 (11th Cir. 2002) (footnote omitted). To establish this case as an "obvious clarity" case, Plaintiff must show that "the words of the pertinent federal statute or federal constitutional provision" establishing the federal right allegedly violated are "specific enough to establish clearly the law applicable to particular conduct" such that "case law is not needed to establish that the conduct cannot be lawful." Vinyard, 311 F.3d at 1350.

No text of any Amendment implicated by the allegations of the Amended Complaint prohibits the conduct of the Defendant in this case as unconstitutional. Even if the Plaintiff had alleged conduct that violated his constitutional rights, neither the relevant bodies of case law nor

the text of the relevant constitutional provisions would have put this Defendant on notice that his conduct would have violated the Plaintiff's constitutional rights.

V. The Plaintiff has failed to allege personal involvement as required by 42 U.S.C. § 1983.

In order to establish a constitutional violation for conduct under § 1983, the Plaintiff must allege personal involvement on behalf of the Defendant. The language of 42 U.S.C. § 1983 requires proof of an affirmative causal connection between the actions taken by the Defendant and the constitutional deprivation. Swint v. City of Wadley, 51 F.3d 988 (11th Cir. 1995). The requisite causal connection may be shown by the personal participation of the Defendant, a policy established by the Defendant resulting in indifference to constitutional rights or a breach of a duty imposed state of local law which results in constitutional injury. Zatler v. Wainwright, 802 F. 2d 397 (11th Cir. 1986).

Plaintiff has failed to allege that Sheriff Boswell was in any way personally involved in the allegations surrounding the Plaintiff's deliberate indifference claims. The Plaintiff has offered no allegation demonstrating that this named Defendant was in any way involved in the conduct that the Plaintiff alleges is unconstitutional. There are absolutely no facts in the record to show that the Defendant personally participated in the circumstances surrounding the Plaintiff's claims, nor does the Plaintiff allege specifically how the Defendant violated his constitutional rights.

The Eleventh Circuit in Hartley v. Parnell, 193 F.3d 1263 (11th Cir. 1999), established exactly what is required to state a claim (or prove) supervisory liability:

Supervisory liability [under § 1983] occurs either when the supervisor personally participates in the alleged constitutional violation or when there is a causal connection between actions of the supervising official and the alleged constitutional deprivation. The causal connection can be established when a history of widespread abuse puts the responsible supervisor on notice of the need to correct the alleged deprivation, and he fails to do so. The deprivations that constitute widespread abuse sufficient to notify the supervising official must be "obvious, flagrant, rampant and of continued duration, rather than isolated

occurrences.” Brown v. Crawford, 906 F.2d 667, 671 (11th Cir. 1990) (citations omitted).

193 F.3d at 1269. The causal connection may also be established where the supervisor’s improper “custom or policy . . . result[s] in deliberate indifference to constitutional rights.” Rivas v. Freeman, 940 F.2d 1491, 1495 (11th Cir. 1991) (citing Zatler v. Wainwright, 802 F.2d 397 (11th Cir. 1986)). In light of the applicable law, Plaintiff’s allegations are insufficient to create liability on the part of the Defendant. As such, all the Plaintiff’s claims against Sheriff Boswell are due to be dismissed.

VI. There is no *respondeat superior* liability under 42 U.S.C. § 1983.

Because the Plaintiff’s Complaint contains no allegations demonstrating that Sheriff Boswell was in any way involved in the actions he claims were constitutionally infirm, the Plaintiff’s § 1983 claim is based upon nothing more than *respondeat superior* and fails to state a claim for which relief may be granted against the Defendant. Neither the express language of § 1983 nor the holdings of the United States Supreme Court support liability on this basis.

42 U.S.C. § 1983 provides in pertinent part:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, ***subjects, or causes to be subjected***, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress

(Emphasis added.) The language of the statute requires that there be a direct causal link between plaintiff and the actions of a putative defendant. Merely employing an individual who causes harm is insufficient to invoke the remedy of this statute. Monell v. Dep’t of Soc. Servs., 436 U.S. 658, 691 (1978) (holding in light of the explicit text of § 1983 that “a municipality cannot be held liable under § 1983 on a *respondeat superior* theory”). Because the claims against Sheriff Boswell are based solely on a theory of vicarious liability, they are due to be dismissed.

VII. Summary Judgment Standard

On a motion for summary judgment, the court should view the evidence in the light most favorable to the nonmovant. Greason v. Kemp, 891 F.2d 829, 831 (11th Cir. 1990). However, a plaintiff “must do more than show that there is some metaphysical doubt as to the material facts.” Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 586 (1986). Only reasonable inferences with a foundation in the record inure to the nonmovant’s benefit. See Reeves v. Sanderson Plumbing Products, Inc., 530 U.S. 133 (2000). “[T]he court should give credence to the evidence favoring the nonmovant as well as that ‘evidence supporting the moving party that is uncontradicted or unimpeached, at least to the extent that that evidence comes from disinterested witnesses.’” Reeves, 530 U.S. at 151 (quoting 9A C. Wright & A. Miller, Federal Practice and Procedure § 2529, p. 299).⁸ “A reviewing court need not ‘swallow plaintiff’s invective hook, line and sinker; bald assertions, unsupportable conclusions, periphrastic circumlocutions, and the like need not be credited.’” Marsh v. Butler County, 268 F.3d 1014, 1036 n.16 (11th Cir. 2001) (en banc), quoting Massachusetts School of Law v. American Bar, 142 F.3d 26, 40 (1st Cir. 1998).

CONCLUSION

Russell County Sheriff Tommy Boswell denies each and every allegation made by the Plaintiff, William Ellis, in his Complaint. This Defendant has not acted in a manner so as to deprive the Plaintiff of any right to which he is entitled.

⁸ Although Reeves was a review of a motion for judgment as a matter of law after the underlying matter had been tried, the Supreme Court in determining the proper standard of review relied heavily on the standard for summary judgment stating, “the standard for granting summary judgment ‘mirrors’ the standard for judgment as a matter of law, such that ‘the inquiry under each is the same.’” Reeves, 530 U.S. at 150, citing Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 250-251 (1986); Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986).

Respectfully submitted this 31st day of March, 2008.

s/Joseph L. Hubbard, Jr.
JOSEPH L. HUBBARD, JR. (HUB015)
Attorney for Sheriff Boswell
WEBB & ELEY, P.C.
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Montgomery, Alabama 36124
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Fax: (334) 262-1889
E-mail: jhubbard@webbeley.com

CERTIFICATE OF SERVICE

I hereby certify that on this the 31st day of March, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and sent notification of such filing by placing a copy of the same in the United States Mail, postage prepaid, to the following:

William Lanier Ellis, Sr.
c/o Russell County Jail
Post Office Box 640
Phenix City, Alabama 36868

s/Joseph L. Hubbard, Jr.
OF COUNSEL

Exhibit A

10/05/06 Uniform Arrest Report

ALABAMA UNIFORM ARREST REPORT

Fingerprinted	FB4 Completed
1 Yes	1 Yes
2 No	2 No

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

IDENTIFICATION	1 ORI #	2 AGENCY NAME	3 CASE #	4 SFX
	5 LAST, FIRST, MIDDLE NAME	6 ALIAS AKA		
	7 SEX	8 RACE	9 HGT.	10 WGT.
	11 EYE	12 HAIR	13 SKIN	14 SCARS
ARREST	15 PLACE OF BIRTH (CITY, COUNTY, STATE)	16 SSN	17 DATE OF BIRTH	18 AGE
	19 MISCELLANEOUS ID #	20 SID #	21 FINGERPRINT CLASS	22 DL #
	23 ST	24 FBI #	25 IDENTIFICATION COMMENTS	
	26 RESIDENT	27 HOME ADDRESS (STREET, CITY, STATE, ZIP)	28 RESIDENCE PHONE	29 OCCUPATION (BE SPECIFIC)
	30 EMPLOYER (NAME OF COMPANY/SCHOOL)	31 BUSINESS ADDRESS (STREET, CITY, STATE, ZIP)	32 BUSINESS PHONE	
	33 LOCATION OF ARREST (STREET, CITY, STATE, ZIP)	34 SECTOR #	35 ARRESTED FOR YOUR JURISDICTION?	36 YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
	37 RESIST ARREST?	38 INJURIES?	39 ARMED?	40 DESCRIPTION OF WEAPON
	41 DATE OF ARREST	42 TIME OF ARREST	43 DAY OF ARREST	44 TYPE OF ARREST
	45 ARRESTED BEFORE?	46 CHARGE-1	47 UCR CODE	48 CHARGE-2
	49 UCR CODE	50 STATE CODE/LOCAL ORDINANCE	51 WARRANT #	52 DATE ISSUED
VEHICLE	53 CHARGE-3	54 UCR CODE	55 CHARGE-4	56 UCR CODE
	57 STATE CODE/LOCAL ORDINANCE	58 WARRANT #	59 DATE ISSUED	
	60 ARREST DISPOSITION	61 IF OUT ON RELEASE	62 ARRESTED WITH (1) ACCOMPLICE (FULL NAME)	
	63 ARRESTED WITH (2) ACCOMPLICE (FULL NAME)	64 VYR	65 VMA	66 VMO
	67 VST	68 VCO	69 TOP	70 BOTTOM
	71 TAG #	72 LIG	73 LIY	
	74 VIN	75 IMPOUNDED?	76 STORAGE LOCATION/IMPOUND #	
	77 OTHER EVIDENCE SEIZED/PROPERTY SEIZED	78 CONTINUED IN NARRATIVE		
	79 JUVENILE	80 HANDLED AND RELEASED	81 REF. TO WELFARE AGENCY	82 REF. TO ADULT COURT
	83 PARENT OR GUARDIAN (LAST, FIRST, MIDDLE NAME)	84 ADDRESS (STREET, CITY, STATE, ZIP)	85 PHONE	
86 PARENTS EMPLOYER	87 OCCUPATION	88 ADDRESS (STREET, CITY, STATE, ZIP)	89 PHONE	
RELEASE	90 DATE AND TIME OF RELEASE	91 RELEASING OFFICER NAME	92 AGENCY/DIVISION	93 ID #
	94 RELEASED TO:	95 AGENCY/DIVISION	96 AGENCY ADDRESS	
	97 PERSONAL PROPERTY RELEASED TO ARRESTEE	98 PROPERTY NOT RELEASED/HELD AT:	99 PROPERTY #	
	100 REMARKS (NOTE ANY INJURIES AT TIME OF RELEASE)			
	101 SIGNATURE OF RECEIVING OFFICER	102 SIGNATURE OF RELEASING OFFICER	103 LOCAL USE	
	104 STATE USE	105 MULTIPLE CASES CLOSED	106 CASE #	107 SFX
	108 CASE #	109 SFX	110 CASE #	111 SFX
	112 ARRESTING OFFICER (LAST, FIRST, M.)	113 ID #	114 ARRESTING OFFICER (LAST, FIRST, M.)	115 ID #
	116 SUPERVISOR	117 ID #	118 WATCH CMDR.	119 ID #

TYPE OR PRINT IN BLACK INK ONLY

ACJIC-34 REV. 10-90

Exhibit B

Alias Warrant

LYE.21:29 10/05/2006 8569474
QH.AL0570010.LYE.

***** WANTED PERSON FILE *****

MISDEMEANOR WARRANT

WILL ONLY EXTRADITE FROM ADJACENT COUNTIES OF BARBOUR, BULLOCK, DALE, HENRY, PIKE, R
USSELL

MKE/WANTED PERSON

ORI/AL0060100

NAM/ELLIS, WILLIAM L SEX/M RAC/W

DOB/19710509

HGT/601 WGT/180 EYE/BRO HAI/BRO

SOC/255319737

AIN/30145958 OCA/TR0102772

OOC/FAILURE TO APPEAR

WNO/020000080 DOW/20020208

MIS/DRIVING W/O OBTAINING DRIVERS LICENSE

DTE/20060624 DTM/20060914

VLN/ATKINS, SHERRY VLD/20060914

ORI IS AL0060100 - EUFAULA POLICE DEPT

TEL/3346871200 ALT TEL/3346871201

FAX/3346871205

***** IMMEDIATE CONFIRM WITH ORI *****

END OF RESPONSE

SEQ # 0073 MRI # 8569474

Exhibit C

10/11/06 Uniform Arrest Report

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

1 ORI # 05700000		2 AGENCY NAME Russell County Sheriff Dept		3 CASE #		4 BFX									
5 LAST, FIRST, MIDDLE NAME Ellis William Lanier															
7 SEX M		8 RACE W		9 HGT. 6'2"		10 WGT. 180		11 EYE BRO		12 HAIR BRO		13 SKIN BRO		14 SCARS MARKS TATTOOS AMPUTATIONS	
15 PLACE OF BIRTH (CITY, COUNTY STATE) Columbus, Muscogee GA				16 SSN 240-23-1924				17 DATE OF BIRTH 05/09/70		18 AGE 36		19 MISCELLANEOUS ID #			
20 SID #		21 FINGERPRINT CLASS KEY MAJOR PRIMARY SCOV SUB-SECONDARY FINAL				22 DL #		23 ST		25 IDENTIFICATION COMMENTS					
24 FBI #		HENRY CLASS				26 RESIDENT NON-RESIDENT		27 HOME ADDRESS (STREET, CITY, STATE, ZIP) 248 Gantt Rd Phenix City AL				28 RESIDENCE PHONE		29 OCCUPATION (BE SPECIFIC)	
30 EMPLOYER (NAME OF COMPANY/SCHOOL) N/A				31 BUSINESS ADDRESS (STREET, CITY, STATE, ZIP) N/A				32 BUSINESS PHONE		33 LOCATION OF ARREST (STREET, CITY, STATE, ZIP) Russell County Jail					
34 SECTOR #				35 ARRESTED FOR YOUR JURISDICTION? YES NO				36 CONDITION OF ARRESTEE: DRUNK ROBER DRUGS				37 RESIST ARREST? YES NO			
38 INJURIES? NONE OFFICER ARRESTEE				39 ARMED? Y N				40 DESCRIPTION OF WEAPON HANDGUN RIFLE SHOTGUN				41 DATE OF ARREST 11/11/06			
42 TIME OF ARREST 11:06 PM				43 DAY OF ARREST M T W T F S S				44 TYPE OF ARREST ON VIEW CALL WARRANT				45 ARRESTED BEFORE? YES NO UNKNOWN			
46 CHARGE - 1 FTA (Drive w/ Suspended)				47 UCR CODE				48 CHARGE - 2				49 UCR CODE			
50 STATE CODE/LOCAL ORDINANCE				51 WARRANT #				52 DATE ISSUED				53 STATE CODE/LOCAL ORDINANCE			
54 CHARGE - 3				55 UCR CODE				56 CHARGE - 4				57 UCR CODE			
58 STATE CODE/LOCAL ORDINANCE				59 WARRANT #				60 DATE ISSUED				61 STATE CODE/LOCAL ORDINANCE			
62 ARREST DISPOSITION HELD TOT--LE BAIL OTHER RELEASED				63 IF OUT ON RELEASE WHAT TYPE?				64 ARRESTED WITH (1) ACCOMPLICE (FULL NAME)				65 ARRESTED WITH (2) ACCOMPLICE (FULL NAME)			
70 VYR				71 VMA				72 VMO				73 VST			
74 VCO TOP				75 TAG #				76 LIS				77 LIY			
78 VIN				79 IMPOUNDED? YES NO				80 STORAGE LOCATION/IMPOUND #				81 OTHER EVIDENCE SEIZED/PROPERTY SEIZED			
82 JUVENILE DISPOSITION: HANDLED AND RELEASED REF. TO WELFARE AGENCY REF. TO ADULT COURT REF. TO JUVENILE COURT REF. TO OTHER POLICE AGENCY				83 RELEASED TO				84 PARENT OR GUARDIAN (LAST, FIRST, MIDDLE NAME)				85 ADDRESS (STREET, CITY, STATE, ZIP)			
86 PARENTS EMPLOYER				87 OCCUPATION				88 ADDRESS (STREET, CITY, STATE, ZIP)				89 PHONE			
90 DATE AND TIME OF RELEASE M D Y : AM PM MIL				91 RELEASING OFFICER NAME				92 AGENCY/DIVISION				93 ID #			
94 RELEASED TO				95 AGENCY/DIVISION				96 AGENCY ADDRESS				97 ID #			
98 PERSONAL PROPERTY RELEASED TO ARRESTEE YES NO PARTIAL				99 PROPERTY NOT RELEASED/HELD AT:				100 PROPERTY #				101 REMARKS (NOTE ANY INJURIES AT TIME OF RELEASE)			
102 SIGNATURE OF RECEIVING OFFICER Russell 1211-SC 1723				103 SIGNATURE OF RELEASING OFFICER William P. Lanier				104 CASE #				105 BFX			
106 CASE #				107 BFX				108 CASE #				109 BFX			
110 ADDITIONAL CASES CLOSED NATIVE Y N				111 ARRESTING OFFICER (LAST, FIRST, M.) William P. Lanier				112 ID #				113 ARRESTING OFFICER (LAST, FIRST, M.)			
114 ID #				115 SUPERVISOR				116 WATCH CMDR.				117 ID #			

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ACJIC — 34 REV. 7-04

Exhibit D

2/20/07 Warrant

ALABAMA JUDICIAL INFORMATION SYSTEM

* * * IN THE DISTRICT COURT OF RUSSELL COUNTY * * *

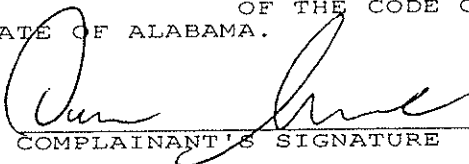
AGENCY NUMBER:

WARRANT NUMBER: WR 2007 000474.00
OTHER CASE NBR:

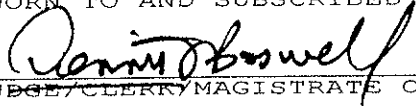
C O M P L A I N T

BEFORE ME THE UNDERSIGNED JUDGE/CLERK/MAGISTRATE OF THE DISTRICT COURT OF RUSSELL COUNTY, ALABAMA, PERSONALLY APPEARED INV DENNIS GREENE WHO BEING DULY SWORN DEPOSES AND SAYS THAT HE/SHE HAS PROBABLE CAUSE FOR BELIEVING, AND DOES BELIEVE THAT WILLIAM LANIER ELLIS DEFENDANT, WHOSE NAME IS OTHERWISE UNKNOWN TO THE COMPLAINANT, DID WITHIN THE ABOVE NAMED COUNTY AND

DID ON OR ABOUT SEPTEMBER 28, 2006, WITH INTENT TO COMMIT THE CRIME OF MURDER, (SECTION 13A-6-2 OF THE CODE OF ALABAMA) ATTEMPT TO COMMIT SAID OFFENSE BY CHOKING JUDY DENICE CATCHINGS, OF THE CODE OF ALABAMA, IN VIOLATION OF 13A-004-002 AGAINST THE PEACE AND DIGNITY OF THE STATE OF ALABAMA.


COMPLAINANT'S SIGNATURE**ORIGINAL**

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 20 DAY OF FEBRUARY, 2007.


JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: ATTEMPT - MURDER

13A-004-002

F FELONY

WITNESS FOR THE STATE

INV DENNIS GREENE/P.C.P.D./PHENIX CITY/36867

OPERATOR: DEB DATE: 02/20/2007

Exhibit E

3/9/07 Uniform Arrest Report

1 ORI # AL05000000		2 Agency Name Russell County Sheriff's Dept.		3 Case #		4 SFX	
5 Last, First, Middle Name Ellis, William Lerner				6 Alias AKA			
7 Sex M	8 Race W	9 Ethnicity A	10 Hgt 6-1	11 Wgt 170	12 Eye Bru	13 Hair Blk	14 Skin
15 Scars		16 Marks		17 Tattoos		18 Amputations	
16 Place of Birth (City, County, State) Columbus GA				17 SSN 260-23-9248		18 Date of Birth 050970	
19 Age 36		20 Miscellaneous ID #		21 SID #		22 Fingerprint Class	
23 DL#		24 St		25 FBI #		26 Identification Comments	
27 <input type="checkbox"/> Resident <input checked="" type="checkbox"/> Non-Resident		28 Home Address (Street, City, State, Zip) 5832 East Hgts Drive Columbus GA		29 Residence Phone		30 Occupation (Be Specific)	
31 Employer (Name of Company/School)				32 Business Address (Street, City, State, Zip)		33 Business Phone	
34 Location of Arrest (Street, City, State, Zip) Russell County Jail				35 Sector #		36 Arrested for Your Jurisdiction?	
37 Condition of Arrestee: <input type="checkbox"/> Drunk <input type="checkbox"/> Sober <input type="checkbox"/> Drinking <input type="checkbox"/> Drugs				38 Resist Arrest? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		39 Injuries? <input type="checkbox"/> Officer <input checked="" type="checkbox"/> Arrestee	
40 Armed? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N				41 Description of Weapon			
42 Date of Arrest 03100907				43 Time of Arrest 2030		44 Day of Arrest S M T W T F S	
45 Type of Arrest? <input type="checkbox"/> On View <input checked="" type="checkbox"/> Warrant				46 Arrested Before? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		47 Charge - 1 <input checked="" type="checkbox"/> Fel <input type="checkbox"/> Misd Attempted Murder	
48 UCR Code				49 Charge - 2 <input checked="" type="checkbox"/> Fel <input type="checkbox"/> Misd Writ of Arrest		50 UCR Code	
51 State Code/Local Ordinance 13A-4-2				52 Warrant # 2007000474		53 Date Issued 03220907	
54 State Code/Local Ordinance				55 Warrant # 1996000010		56 Date Issued 1121909	
57 Charge - 3 <input type="checkbox"/> Fel <input checked="" type="checkbox"/> Misd				58 UCR Code		59 Charge - 4 <input type="checkbox"/> Fel <input checked="" type="checkbox"/> Misd	
60 UCR Code				61 State Code/Local Ordinance		62 Warrant #	
63 Date Issued				64 State Code/Local Ordinance		65 Warrant #	
66 Date Issued				67 Arrest Disposition <input type="checkbox"/> Held <input checked="" type="checkbox"/> Tot - LE <input type="checkbox"/> Bail <input type="checkbox"/> Other <input checked="" type="checkbox"/> Released		68 If Out On Release What Type?	
69 Arrested with (1) Accomplice (Full Name)				70 Arrested with (2) Accomplice (Full Name)			
71 VYR		72 VMA		73 VMO		74 VST	
75 VCO		76 Tag #		77 LIS		78 LIY	
79 VIN		80 Impounded? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		81 Storage Location/Impound #			
82 Other Evidence Seized/Property Seized							
<input type="checkbox"/> Continued in Narrative							
83 Juvenile Disposition: <input type="checkbox"/> Handled and Released <input type="checkbox"/> Ref. to Welfare Agency <input type="checkbox"/> Ref. to Juvenile Court <input type="checkbox"/> Ref. to Adult Court <input type="checkbox"/> Ref. to Other Police Agency				84 Released To			
85 Parent or Guardian (Last, First, Middle Name)				86 Address (Street, City, State, Zip)		87 Phone	
88 Parents Employer				89 Occupation		90 Address (Street, City, State, Zip)	
91 Phone				92 Date and Time of Release			
93 Releasing Officer Name				94 Agency/Division		95 ID #	
96 Released To				97 Agency/Division		98 Agency Address	
99 Personal Property Released to Arrestee <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Partial				100 Property Not Released/Held At:		101 Property #	
102 Remarks (Note Any Injuries at Time of Release)							
103 Signature of Receiving Officer Russell 3/9/07 2226							
104 Signature of Releasing Officer							
105 Case #							
106 SFX							
107 Case #							
108 SFX							
109 Case #							
110 SFX							
111 Multiple Cases Closed Narrative <input type="checkbox"/> Y <input checked="" type="checkbox"/> N							
112 Arresting Officer (Last, First, M.) James Williamson		113 ID # 5711		114 Arresting Officer (Last, First, M.)		115 ID #	
116 Supervisor		117 Watch Cmdr.		118 ID #		119 ID #	

TYPE OR PRINT IN BLACK INK ONLY

ALJG - 11-06

Exhibit F

1/22/08 History and Physical

History and Physical

Patient Name: William Ellis
Patient ID: 2967
Sex: Male
Birthdate: May 9, 1970

Visit Date: January 22, 2008
Provider: Wayne L. Warren, Jr. MD
Location: Auburn Neurosurgery PC

Chief Complaint

- Back and right leg pain

History Of Present Illness

The patient is a 37 year old male seen in neurosurgical consultation at the request of his physician, Dr. Warr , for low back pain.

The pain developed acutely several months ago. It is extreme (9-10/10) , has an aching quality and radiates into the right L5 and S1 distribution. The pain has been constant and has been progressively worsening. The onset was associated with a fall. The pain tends to be maximal at no specific time, but waxes and wanes in severity throughout the day. The patient states the pain is aggravated by bending, carrying heavy objects, exercise, lifting, prolonged sitting, prolonged standing, and staying in one position for extended periods. No alleviating factors are reported.

He also reports right leg weakness. The patient's past medical history is detailed in the face sheet.

RECENT INTERVENTIONS:

He has been previously treated with chiropractic management, NSAIDs, pain medication, bedrest, and oral steroids. The chiropractic treatments were ineffective.

INFORMATION REVIEWED:

The following information was reviewed: radiology reports and images and referring physicians notes. The MRI of the lumbar spine revealed a herniated disc and degenerative disk disease. The herniated disc is at L4-5 on the right. The degenerative disc disease is present at L4-5.

Past Medical History

Disease Name	Date Onset	Notes
Anxiety	--	--
Asthma	--	--
High Blood Pressure	--	--
Seizure	--	--
Ulcer	--	--

Medication List

Name	Date Started	Instructions
Lopressor Oral	--	--
Penbutolol Oral	--	--
Robaxin Oral Tablet 500 mg	--	take 2 tablets (1,000mg) by oral route 4 times per day
Thorazine Oral	--	--

Allergy List

Allergen Name	Reaction	Notes
PENICILLINS	--	--

Family Medical History

Disease Name	Relative/Age	Notes
Family History: Back Problems		--
Family History: Cancer		--
Family History: Diabetes		--
Family History: Heart Disease		--
Family History: High Blood Pressure		--
Family History: Lung Disease		--

Social History

Finding	Status	Start/Stop	Quantity	Notes
Completed some high school	--	--/--	--	--
Denies alcohol use	--	--/--	--	--
Married	--	--/--	--	--
Nonsmoker	--	--/--	--	--
Right handed	--	--/--	--	--

Review of Systems

Constitutional

- o **Admits** : weight loss/gain, loss of appetite
- o **Denies** : fever

Eyes

- o **Admits** : blurred vision, difficulty seeing
- o **Denies** : double vision

HENT

- o **Admits** : sinusitis
- o **Denies** : deafness, hoarseness, vertigo

Cardiovascular

- o **Denies** : chest pain, palpitations, irregular heart beats, murmur

Respiratory

- o **Admits** : shortness of breath
- o **Denies** : wheezing, spitting blood, chronic cough

Gastrointestinal

- o **Admits** : abdominal pain
- o **Denies** : constipation, diarrhea, bleeding

Genitourinary

- o **Denies** : missed periods, dysuria, hesitancy, hematuria, incontinence

Integument

- o **Admits** : changes in moles
- o **Denies** : rash, lesions that do not heal

Neurologic

- o **Admits** : seizures, loss of balance/coordination, muscular weakness, memory difficulties, numbness, tingling, loss of sensation in arms or legs
- o **Denies** : paralysis, facial pain

Musculoskeletal

- o **Admits** : stiffness, joint pain, spine pain radiating to arm/leg
- o **Denies** : muscular wasting

Endocrine

- o **Admits** : excessive urination, heat/cold intolerance
- o **Denies** : excessive thirst

Psychiatric

- o **Admits** : depression, anxiety, hallucinations, difficulty sleeping

Heme-Lymph

- o **Denies** : anemia, bleeding tendencies, swollen nodes

Allergic-Immunologic

- o **Denies** : hives, eczema, itching

Vitals

Date	Time	BP	Position	Body Site	L\R	Cuff Size	HR	RR	TEMP(°C)	WT	HT	O2 Sat	HC
01/22/2008	9:20:28 AM	130/86	Sitting				63 - R		36.7				

Physical Examination

Constitutional

- **Appearance** : well-nourished, well developed, alert, in no acute distress

Cardiovascular

- **Peripheral Vascular System** :
 - **Extremities** : no edema or cyanosis

Lymphatic

- **Neck** : no lymphadenopathy present

Musculoskeletal

- **Cervical Spine** :
 - **Inspection/Palpation** : no lesions or deformities, paraspinal musculature is nontender to palpation
 - **Range of Motion** : range of motion normal
- **Thoracic Spine** :
 - **Inspection/Palpation** : no lesions or deformities, paraspinal musculature is nontender to palpation
- **Lumbosacral Spine** :
 - **Inspection/Palpation** : no lesions or deformities, paraspinal musculature is tender to palpation
 - **Stability** : no subluxations present
 - **Range of Motion** : spine range of motion limited
 - **Muscle Strength/Tone** : paraspinal muscle strength and tone within normal limits
 - **Tests/Signs** : straight leg raise test negative bilaterally
- **Right Upper Extremity** :
 - **Inspection** : no tenderness to palpation
 - **Joint Stability** : shoulder, elbow and wrist joint stability normal
 - **Range of Motion** : range of motion normal, no joint crepitus or pain with motion present
- **Left Upper Extremity** :
 - **Inspection** : no tenderness to palpation
 - **Joint Stability** : shoulder, elbow and wrist joint stability normal
 - **Range of Motion** : range of motion normal, no joint crepitus present, no pain with joint motion
- **Right Lower Extremity** :
 - **Inspection** : no joint or limb tenderness to palpation, no edema present, no ecchymosis
 - **Joint Stability** : joint stability within normal limits
 - **Range of Motion** : range of motion normal, no joint crepitations present, no pain on motion
- **Left Lower Extremity** :
 - **Inspection** : no joint or limb tenderness to palpation, no edema present, no ecchymosis
 - **Joint Stability** : joint stability within normal limits
 - **Range of Motion** : range of motion normal, no joint crepitations present, no pain on motion

Skin and Subcutaneous Tissue

- **Neck** : no lesions or areas of discoloration
- **Extremities** :
 - **Right Upper Extremity** : no lesions or areas of discoloration
 - **Left Upper Extremity** : no lesions or areas of discoloration
 - **Right Lower Extremity** : no lesions or areas of discoloration
 - **Left Lower Extremity** : no lesions or areas of discoloration
- **Back** : no lesions or areas of discoloration

Neurologic

- **Mental Status Examination** :
 - **Orientation** : grossly oriented to person, place and time
- **Motor Examination** :
 - **RUE Strength** : strength normal
 - **RUE Motor Function** : tone normal, muscle bulk normal

- **LUE Strength** : strength normal
 - **LUE Motor Function** : tone normal, muscle bulk normal
 - **RLE Strength** : strength diminished in the dorsiflexors
 - **RLE Motor Function** : tone normal, no atrophy
 - **LLE Strength** : strength normal
 - **LLE Motor Function** : tone normal, no atrophy
 - **Reflexes** :
 - **RUE** : biceps reflex 2+, triceps reflex 2+, brachioradialis reflex 2+
 - **LUE** : biceps reflex 2+, triceps reflex 2+, brachioradialis reflex 2+
 - **RLE** : knee reflex 2+, ankle reflex diminished, Babinski response negative
 - **LLE** : knee reflex 2+, ankle reflex 2+, Babinski response negative
 - **Gait and Station** : painful gait, unable to stand without difficulty
 - **Cerebellar Function** : normal
- Psychiatric**
- **Mood and Affect** : mood normal, affect appropriate

Assessment

- Degeneration of lumbar intervertebral disc 722.52
- Lumbar disc herniation, L4-5 722.10

Plan

Instructions

- I have discussed the risks and benefits of surgery versus physical therapy, epidural steroids, and other conservative forms of treatment.
- I described the surgical procedure in detail, and advised them of the risks of bleeding requiring blood transfusion, risk of infection and intraoperative nerve damage that could result in persistent pain, weakness, numbness, bowel/bladder dysfunction, sexual dysfunction, and remote risk of death. I also explained that there is approximately a 5-8% risk of recurrent disc herniation at the same level and a 15% risk of epidural fibrosis. I estimate that there is a 70-80% chance that the symptoms will be resolved.
- Given these options, the patient has verbally expressed an understanding of the risks of surgery and finds these risks acceptable. We will proceed with surgery as soon as possible.

Disposition

- Surgery at EAMC

Right minimally invasive lumbar disectomy and fusion L4-5(63047 and 22030)

Electronically Signed by: Wayne L. Warren, Jr. MD on January 30, 2008 06:18:09 PM

Exhibit G

1/30/08 Email re: Plaintiff's surgery

Reply Reply to all Forward X Close Help

070309009

You forwarded this message on 1/30/2008 10:54 PM.

Sent: Wed 1/30/2008 4:57 PM

From: Tina Riley

To: Calvin Perry; Danny Bussey; Greg Thomas; Johnny Barnes; Loetta Holland;
Michael San Nicolas; Pierce Moore; Tina Riley

Cc:

Subject: J-3 WILLIAM ELLIS

Attachments:

View As Web Page

J-3 WILLIAM ELLIS IS SCHEDULED FOR OUTPATIENT SURGERY TOMORROW MORNING IN OPELIKA AT THE EAST ALABAMA MEDICAL CENTER.
J-3 IS TO ARRIVE NO LATER THAN 0645 EST.

IMPORTANT: J-3 WILLIAM ELLIS IS TO BE MOVED TO HOLDING CELL #2 AND IS NOT ALLOWED TO HAVE ANYTHING TO EAT OR DRINK AFTER MIDNIGHT TONIGHT. PRIOR TO DEPARTING FROM THE JAIL, INMATE IS TO RECEIVE **ONLY** HIS LOPRESSOR AND PHENOBARBITAL MEDICATION, THERE IS PAPERWORK ON THE BOARD IN BOOKING THAT NEEDS TO BE SENT WITH THIS J-3.

NURSE RILEY=PELFREY

randi.milner@alada.gov

Exhibit H

Treatment Log for William Ellis

NAME: Ellis, William Lavier		D.O.B. 050970	RACE: W	SEX: M
PRESENT MEDICATION: Phenobarb; Xanax; Methadone		SSN: 260-23-9248		
ALLERGIES: PCN				
PPD:		HGT: 6' 01"	WGT: 140#	LBS.
HIV/VDRL:				
DATE/TIME	NURSE SIGNATURE			
100606	5:36 PM 10/06/06 states currently under pain management			
1550	4 ruptured disc in back; severe damage @ leg; 2			
BS:98	pinched nerves in neck. Epileptic (1988) MVA			
	closed head injury - brain stem shaken loose.			
	Johnny L. Smith. Admits to being addicted			
	to prescription medications. Phenobarb in 3 days			
	O/A: VSS.			
	P: Medical release faxed to CVS for prescription			
	profile. Contacted Dr. Wall via phone in order			
	to get orders			
	Phenobarb 64.8 mg qAM			
	32.4 mg qPM			
	Lithium 25 mg bid			
	To wall / O'Reilly RPNCCNP			
10/07/06	See another page			
10/08/06	" " " "			

NAME: Ellis, William		D.O.B. 05-09-70	RACE: W	SEX: M
PRESENT MEDICATION: Numerous		SSN: 260-23-9248		
ALLERGIES: PCN (Hives)		HGT: 6' 2"	WGT: 182	LBS.
PPD:		11/3/71 Pulse CX 99%		
HIV/VDRL:		HR 76 Temp 97.7		
DATE/TIME	NURSE SIGNATURE			
10/07/06	S. 30y/o WM married x 3yrs. Father & 3 disabled so Rupt. Ears x3 seeking Disability x10yrs. Mex emp factory 94. DETOH Abuse Methadone for pain Baker Cyst ad Knees x6yrs (p surg 20 may make worse) Xanax 2mg 3x/day 20 anxiety & panic attacks. Prison P. x19mos Released 3yrs ago. Dr. Luck's PMD, MVA 89. Multiple injuries Hosp x 7 days. 53 DKO 20 MVA. p driving since 92 Wife Pham yech supports him & one child 17 yrs. Asthma 7 albuterol Inh. Here for child support? amount. Regs Tolamol x2 for back pain O. VSS Afebrile IMtable A. Multiple complaints back neck et			
10/08/06	S. C/O Dorsal pain & begging for analgesia			
5:00pm	O. BP 110/60 HR 74 More kept appearing			
WT 182	A. withdrawal & drug seeking			
	B. withdrawal see Dr. Warr			

Ellis, William

Ellis, William

Date/ Time		Nurse Signature
10/7/9	<p>100 99-72-979</p> <p>136/08</p> <p>Stover Jerry refer to Dr. Benjamin</p> <p>T run home, 7 AM, PM - X 1400</p> <p>get report from Dr. Stover</p> <p>Subs 320-9954.</p>	
10/08/06 8pm	<p>addendum for 10/08/06. Brother</p> <p>phoned and demanded Ellis be</p> <p>placed on Methadone to stop</p> <p>his withdrawal sys. Assured that</p> <p>he is on Librium + Ph per</p> <p>orders of Dr. Warr but Methadone</p> <p>is allowed in facility. Threatened</p> <p>suit if anything happens to</p> <p>his brother. He also said he</p> <p>was here for 3 yrs and he</p> <p>was given methadone per</p> <p>Dr. Warr throughout his stay</p>	
10/09/06 1025/PM	<p>Brother called at cmts. restate</p> <p>regarding J3 of receiving immediate</p> <p>Methadone. Reports he was</p> <p>assured that if it was</p> <p>delivered J3 would rec. spoke</p> <p>to Mrs. Knowles (Chief's assist)</p> <p>J3 brought to infirmary to</p> <p>discuss situation again.</p> <p>upholds brother's actions</p> <p>and he too insists brother</p> <p>received methadone here. Made</p> <p>numerous slanderous remarks</p> <p>regarding EUC doctor and</p> <p>this case here. Unable to</p> <p>locate Warr. Gave Tyleval</p> <p>extra mat. Mrs. Knowles</p>	

Ellis, William

Date/Time		9706 v/s: 129/85-86-18-972	Nurse Signature
102306 1040	0% cold symptoms / 4% ear and throat discomfort ① Abscessed tonsil.		
	Flu in 10 days. (* Admits has never been seen by an orthopedic physician for back)	Daily 100mg bid x 7 days Claritin - D qd x 3 days Lent on Rx in podiatry	
	noted 102306		
		98070 v/s: 148/86-105-16-975	
110606 1235	Flu: ? cotton/toilet paper @ ear tonsils look much better this date.		
	- flush both ears wax in (R) ear cotton in (L) ear Large amt of cotton / tissue removed from (L) ear.		
03/09/07	Readm via Muscogee Co Jail Brought pb 60mg for 3x/day (45 total)		
03/10/07	Started back on pb 60mg 3x/day Ultram 50mg po M-E-Enis RN		
		9906 v/s: 123/79-88-16-98	
031207 1045 BS: 110	Retracked into facility. 36% WM denies suffering any additional medical conditions other than prior mention. Family h/dm.		
	NEENT: 4 LUNGS: clear HEART: NSR 5/20 ABNT/BSx4 EX: good ROM / edema V: 120/80: WNL SKIN: normal	- Contact Lee Co for medical information. Phenobarb 60mg bid Naproxen 500mg qHS	
		98070 v/s 159/99-93-16-975	
041607 1250	0% problems & issues. Cold combos bid x 5 days		

Ellis, William

Date/ Time	1809 v/s: 155/49-10-18-967	Nurse Signature
061107 12 ³⁰	C/O continue back pain (Nurse blue matters Friday 6/8/07 to assist on care.	
	Ultam 50mg bid Obtain copy of MRI & CT Scan in 2005. ———	
062607 0930	Moved to cell & bunk for C/O discomfort from sleeping on boat. ———	Pelfrey, Lorraine
1630	Med - Care unable to locate consent form. Re- fused. ———	Pelfrey, Lorraine
062807 0750	Med - Care 322-2223 — no answer	Pelfrey, Lorraine
0840	Dr. Warr spoke w. office manager and was informed information will be faxed within the next few hours. ———	Pelfrey, Lorraine
1115	Seen by Dr. Warr. Muscle rub to be given ↑ Naproxen 500mg bid	
	Call Dr. Lucko - 706-320-9959	
1355	Clarity @ St. Francis Medical Records state MRI done @ that Hospital since 2000. Will fax radiology results on file. ———	Pelfrey, Lorraine
072407	Transported to appt w Dr. Caredo. ———	Pelfrey, Lorraine
8/16/07	call Dr. Lorraine about staying treated with Gabapentin by court order. He said Gabap. Clonidine 2 - qd x 3 Buspar 10mg - HS	

Ellis, William

Date/Time		147/91 - 94-18-97 ⁵ 100% ⁸	Nurse Signature
090607	C/O sore throat - allergy -		
1120	lymph nodes smaller both sides neck		
	Subsided ÷ qHS x 14 days		
	DC Buspar		
	Effexor ^{XR} 75mg ÷ qAm		
092107	Refused Effexor ^{XR} 75mg stating too many side effects. Did not offer to explain symptoms or effects.		Debra L. Green
0830			
100907	Contacted EMH - ref. to intake. Appts being scheduled for 2/08, requested to have one ASAP. To call back.		Debra L. Green
		15: 145/99 - 81-16-96 ⁵	100%
101107	Discuss status of EMH appt.		
1255	not able to get me at this time - will get in as soon as possible		
102207	C/O swelling of throat	15: 160/96 - 106-18 - 97 ⁵	100%
1135	-broke out in ears		
	Cold combo bid x 5 days		
	Throat red. T. p. 101 - 102 for 5 days		
	Noted 102207 2P		
111207	Continues to C/O back pain, states feels as though injury occurred when arrested when L/E placed knee in back during arrest.		
0935	DC Naproxen 1. Gramadol HS 100mg	111407 8 ³⁰	Summit.
	MRI - Lumbar/sacral		
	chest exam. that 3rd Surgeon poss. wise left left Surgeon no Rx needed at this time		

Ellis William

Date/ Time	10076 Nurse Signature
112607 1150	Flu: MRI results V/S: 153/95 - 133-18-97'
	Chiro B - Percussion
	Auburn - Pain in back worse
	will try Elavil - Am. P -
	change treatment to Am. 1 PM
	Lopressor, 100mg. bid.
112707 1425	Auburn Chiropractic Associates (334) 826-2254 fax
	9 ³⁰ CST Wednesday.
	Letter faxed - responsible for charges. - Jeffrey L. L...
112807 0930	Rec'd call from Dr. Hartford's office (Auburn Chiro.) to reschedule appt until Thurs. 11/29/07 @ 3 ⁰⁰ PM. Called dispatch to Lane deputy return to J-3. - Jeffrey L. L...
112907 1400	Transported to appt @ Auburn Chiropractic. - Jeffrey L. L...
120501	Appt c Dr. Tracy Hartford. Flu on 12/07/07. - Jeffrey L. L...
12/07/07 1:00	Appt Auburn Chiropractic - Dr. Tracy Hartford. - Jeffrey L. L...
12/10/07	Transported to Auburn Chiropractic - refused treatment. - Jeffrey L. L...
121907 1030	Appt c Dr. Warner - Auburn Al. (Jennifer) Bring me home to visit.
(Jennifer)	(334) 821-0466 1/16/08 8 ²⁰ CST / 9 ²⁰ EST.

Ellis, William

Date/ Time	10070 Nurse Signature
121707 1010	Flu: treatment of back problems J-3 states that gives relief from pain; request to have sinus v.d - sinus drainage - Cold combo bid Procardia 10mg 8/1 given. - replace decong. cap & Benadryl 25mg Agrees to be seen by neurosurgeon and also to have surgery if recommended. Dr. Lee Warren 821-0466
121807 1445	BP 118/80. <i>[Signature]</i>
121907 010408	Appt 1/16/08 9 ²⁰ AM. <i>[Signature]</i> copy of file prepared for AL hearing board per subpoena. <i>[Signature]</i>
011608 0915	Due to misunderstanding of correct time (AL: GA) rescheduled appt for 1/18/08 @ 10 ⁰⁰ AM. — <i>[Signature]</i>
1530	Verified appt. → 10 ⁰⁰ AM EST. <i>[Signature]</i>
011708 1720	Given 6 Lidocaine back patches by 11m. Signing yet not using as prescribed by Dr. War. — <i>[Signature]</i>
012208 0850	Transported to appt & Dr. Warren in Auburn, AL. <i>[Signature]</i>
1045	Ret'd from appt. <i>[Signature]</i>
012808 0750	↑ Darvocet-N 100mg ÷ 9AM ÷ 9PM
012908 1740	Info to EAMC registration <i>[Signature]</i>

Elias, William

Date/Time		Nurse Signature
013108 0730	Was transported this Am to EAME for back surgery.	Reyney Lowness
013108 1215	Holding cell #2 cleaned and sanitized, blue mattress & clean sheets in place.	Reyney Lowness
1345	Returned and placed in holding cell #2. Officer Schroeder sent to have Rx filled @ Stadium Pharmacy.	Reyney Lowness
1400	Spoke & Dr. Ware in ref. to new Rx orders rec'd. Instructed to DR Kibria and Darvazet-N. ~ % Ware / Reyney Lowness	
01/31/08 10PM	Up in Room Reports & voided since 11PM last pm. Regs coffee	
020108 1720	Resting majority of day. Good appetite. — 98% %s: 136/86 — 99-16 — 97°	Reyney Lowness
021408 0450	F/U : back surgery "States can already tell difference in condition." • requesting to be taken out of medical observation and back to regular cell block. • Permission given to return to general population • Small incisions — Healing well / covered & bandaid @ this time.	
021108 1145	% Knot @ incision site & edema or redness noted @ site.	
022008 0930	Uppt @ EAMH.	Reyney Lowness
1130	Spoke & Dr. Ware via phone in ref. to 'm no longer has anymore Loratab or Flexeril. Instructed to start Salvia XR 96 per pain #30	

Exhibit I

2/7/08 letter from
East Alabama Mental Health Center



EAST ALABAMA
MENTAL HEALTH-
MENTAL RETARDATION
CENTER

2-7-08

William Ellis
P.O. Box 640
Phenix City, AL 36868

Dear: William :

This is to remind you that you missed your appointment
on 2/6/08 with Dr. Rowe.

I continue to be interested in working with you and have tried to reach
you by phone to offer any assistance you may need. If for some
reason you no longer wish to receive services from our Center, please
call to let me know.

During office hours you may reach me at (334) 298-2405. Should
you have an emergency after regular business hours, please call (334)
742-2877 or 1-800-815-0630 for assistance.

Sincerely,

Debra Chatmon

Debra Chatmon, RN
Clinical Coordinator

2/12/08 Absent appt not
on schedule @ jail.
Reschedule to 2/20/08
@ 9:45 AM. JP

___ I have been able to reach you by phone and have rescheduled your
appointment for _____.

Exhibit J

2/29/08 letter from Dr. Warren
and evaluation



February 29, 2008

William Warr, MD
P.O. Box 640
Phenix City, AL 36868

Dear Dr. Warr,

I saw William Ellis in follow-up today. Please see the attached copy of my notes from the office visit.

Thank you for the opportunity to care for your patient. Please feel free to contact me at any time.

Sincerely,

W. Lee Warren, MD
Diplomate, American Board of Neurological Surgeons

Progress Note

Patient Name: William Ellis
Patient ID: 2967
Sex: Male
Birthdate: May 9, 1970

Visit Date: February 29, 2008
Provider: Wayne L. Warren, Jr. MD
Location: Auburn Neurosurgery PC

Chief Complaint

- S/P Transforaminal lumbar interbody fusion

History Of Present Illness

William Ellis presents for a postoperative visit following minimally invasive decompression and fusion at L4-5. He reports that his preoperative symptoms persist. This includes pain and paresthesias in the L5 distribution. The patient reports developing neck pain that radiates in to the left arm. Mr. Ellis also reports limited range of motion and weakness in his left arm.

Physical Examination

Constitutional

- **Appearance** : well-nourished, well developed, alert, in no acute distress

Musculoskeletal

- **Thoracic Spine** :
 - **Inspection/Palpation** : no edema
 - **Range of Motion** : spine range of motion normal
- **Lumbosacral Spine** :
 - **Inspection/Palpation** : no lesions or deformities, paraspinal musculature is nontender to palpation, well-healed
 - **Muscle Strength/Tone** : paraspinal muscle strength and tone within normal limits

Neurologic

- **Motor Examination** :
 - **RLE Strength** : strength normal
 - **LLE Strength** : strength normal
- **Reflexes** :
 - **RLE** : knee reflex 2+, ankle reflex 2+, Babinski response negative
 - **LLE** : knee reflex 2+, ankle reflex 2+, Babinski response negative
- **Sensation** :
 - **Pin Prick** : sensation intact to pin prick in extremities
- **Gait and Station** : normal gait, able to stand without difficulty

Assessment

- Post-operative visit V58.41
- Degeneration of lumbar intervertebral disc 722.52
- Displacement of lumbar intervertebral disc without myelopathy 722.10
- Cervical spondylosis without myelopathy 721.0

Plan

Orders

- MRI of spine, lumbar; with and without contrast (72158) - 03/01/2008
- MRI of spine, cervical; without contrast (72141) - 03/01/2008

Instructions

- Mr. Ellis returns to clinic with continued pain that radiates down his right leg. He also reports neck pain and left arm pain. I have orderend an MRI of his lumbar spine and cervical spine and will review the images after they are done.

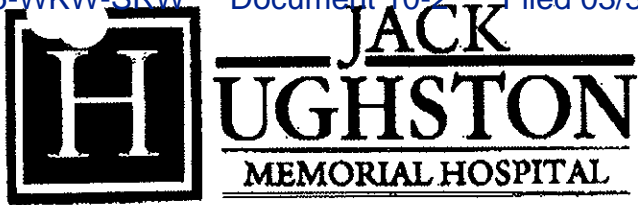
Disposition

- RTC after MRI

Electronically Signed by: Wayne L. Warren, Jr. MD on March 1, 2008 04:58:08 AM

Exhibit K

3/12/08 Summit Hospital
Radiology Consultation Report



Fax Cover Page

To Tina From Djuana Fields
Company Russell Co Jail No. of Pages _____
Fax Number 334-~~297-6905~~ 297-5130 Date _____
Re _____

☐ Urgent ☐ For Your Review ☐ Reply ASAP ☐ Please Comment

*Lee Imaging Service will fax you the MRI +
US, Chest XRay.*

Thanks.

Confidentiality Notice:

This facsimile, and any files transmitted with it, may contain confidential and/or proprietary information in the possession of Jack Hughston Memorial Hospital and is intended only for the individual or entity to whom addressed. This facsimile may contain information that is held to be privileged, confidential, and exempt from disclosure under applicable law. This information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any unauthorized access, dissemination, distribution, or copying of any information from this facsimile is strictly prohibited and may subject you to criminal and/or civil liability. If you have received this facsimile in error, please call the number listed below.

Thank You.

If you have problems receiving this message, please call 334-732-3087 or Fax 334-732-3646

Please send faxes to: _____

**SUMMIT HOSPITAL
4401 RIVER CHASE DRIVE
PHENIX CITY, AL 36867**

RADIOLOGY CONSULTATION REPORT

PATIENT: ELLIS, WILLIAM
DOB: 05/09/1970
DATE OF SERVICE: 03/12/2008
MRN: 17640
STUDY ID: 1327360
ACCESSION #: 00380360000100
ORDERING PHYSICIAN: WARR,
PATIENT LOCATION: outpatient

FINAL REPORT

PROCEDURE: NON-ENHANCED CERVICAL SPINE MR
INDICATION - DIAGNOSIS: Left arm pain for six years.
PRIORS: None. No correlative radiography or CT.
TECHNIQUE: Non-enhanced T1 and T2 axial and sagittal images.

EXAM FINDINGS:

Alignment, vertebral body statures and disk heights are normal. Marrow signal is unremarkable. The cervical cord is normal in size, shape, position and signal. The craniocervical junction is normal.

At C5-C6, there is minimal 2-mm broad-based central disk protrusion with subtle effacement of the subarachnoid space. Emerging nerve roots at this level are normally positioned. There is no central or peripheral stenosis.

Other disk space levels show no disk protrusion, central stenosis or peripheral stenosis.

IMPRESSION:

Minimal, uncomplicated degenerative disk disease C5-C6. This is probably a clinically silent lesion.

This report has been electronically authenticated

Ken Beil, MD

KB/sh/ 1327360

DD: 03/12/2008 @ 03:16 PM DT: 03/12/2008 @ 03:28 PM

cc: Summit Hospital - Radiology fax

**SUMMIT HOSPITAL
4401 RIVER CHASE DRIVE
PHENIX CITY, AL 36867**

RADIOLOGY CONSULTATION REPORT

PATIENT: ELLIS, WILLIAM
DOB: 05/09/1970
DATE OF SERVICE: 03/12/2008
MRN: 17640
STUDY ID: 1327320
ACCESSION #: 00380360000200
ORDERING PHYSICIAN: WARR,
PATIENT LOCATION: outpatient

FINAL REPORT

PROCEDURE: ENHANCED AND NONENHANCED LUMBAR SPINE MRI
INDICATION - DIAGNOSIS: Lumbar surgery 01/01/2008. Pain.
PRIORS: 11/14/2007.
TECHNIQUE: Axial and sagittal T1 and T2-weighted enhanced images.

EXAM FINDINGS:

Vertebral body statures and disk heights are normal with bilateral L4 and L5 pedicle screw and plate fixation. Artifacts signal is present in the L4-L5 disk space compatible with a disk cage device.

There is a 2-mm nonenhancing extradural deformity and flattening of the thecal sac at L4-L5 without central or neural foraminal stenosis. The demonstrated pedicles and paraspinal soft tissues are normal.

The conus is unremarkable at the L1 level.

Vertebral body statures and overall alignment is normal. The first, second, third, and fifth disk spaces are unremarkable.

IMPRESSION:

L4-L5: Postsurgical posterior fusion with nonenhancing extradural right paracentral scar deformity.

This report has been electronically authenticated

Ken Beil, MD

KB/cs/ 1327320

DD: 03/12/2008 @ 03:11 PM DT: 03/12/2008 @ 03:50 PM

cc: Summit Hospital - Radiology fax

Page 1

Optimal Readings Professional Services

Phone: (205) 802-7725

Support: (800) 956-0179

**SUMMIT HOSPITAL
4401 RIVER CHASE DRIVE
PHENIX CITY, AL 36867**

RADIOLOGY CONSULTATION REPORT

PATIENT: ELLIS, WILLIAM
DOB: 05/09/1970
DATE OF SERVICE: 03/12/2008
MRN: 17640
STUDY ID: 1327320
ACCESSION #: 00380360000200
ORDERING PHYSICIAN: WARR,
PATIENT LOCATION: outpatient

Exhibit L

Inmate and Medical Records
from 3/1/08 to 3/28/08

[illegible]

INMATE REQUEST FORM

Prentiss Griffith Detention Facility

LOCATION

Name W. Ellis Date 3-10-08

MEDICAL

Nature of complaint or illness:

I need my pain meds and
muscle relaxers

Sign here for consent
to be treated by health staff:

W. Ellis 11:05

(Do Not Write Below This Line - For Reply Only)

Given as requested 11:05

DOCTOR ☐ DENTIST ☐ OTHER ☐

Date 3-10-08 Time Received 09:20

Officer [Signature]

INMATE REQUEST FORM

Prentiss Griffith Detention Facility

LOCATION

Name W. Ellis Date 3-8-08

MEDICAL

Nature of complaint or illness:

I need my pain meds

Sign here for consent
to be treated by health staff:

W. Ellis 3:00

(Do Not Write Below This Line - For Reply Only)

Gave meds

DOCTOR ☐ DENTIST ☐ OTHER ☐

Date 3-8-08 Time Received 2000

Officer Miller

INMATE REQUEST FORM
Prentiss Griffith Detention Facility

Name W. Elder Date 3-11-08 LOCATION G12

MEDICAL

Nature of complaint or illness:

I need my pair meds

Sign here for consent
to be treated by health staff:

In Elders G12

(Do Not Write Below This Line - For Reply Only)

Given as request

DOCTOR ☐ DENTIST ☐ OTHER ☐

Date 3-11-08 Time Received 08:00

Officer [Signature]

INMATE REQUEST FORM
Prentiss Griffith Detention Facility

Name W. Elder Date 3-10-08 LOCATION G12

MEDICAL

Nature of complaint or illness:

I need my pair meds

Sign here for consent
to be treated by health staff:

W. Elder G12

(Do Not Write Below This Line - For Reply Only)

Given as request 05:55

DOCTOR ☐ DENTIST ☐ OTHER ☐

Date 3-10-08 Time Received 05:55

Officer [Signature]

INMATE REQUEST SLIP

Name W. Ellis Date 3-25-08 LOCATION C-12
☐ Telephone Call ☐ Time Sheet
☐ Special Visit ☐ Personal Problem ☐ Other

Briefly Outline Your Request. Give to Jailer

I need my pain meds and
muscle relaxer

(Do Not Write Below This Line - For Reply Only)

Given at 11:15

Approved _____ Denied _____ Collect Call _____

All request Will Be Routed Through The Sergeant Over The Jail, Then Forwarded To Those The Request Is Directed.

☐ Lieutenant ☐ Chief Deputy ☐ Sheriff

Date 3-25-08 Time Received 11:15

Jailer [Signature]

INMATE REQUEST FORM

Prentiss Griffith Detention Facility LOCATION C-5

Name William Ellis Date 3-24-08

MEDICAL

Nature of complaint or illness:

I need my pain meds
and muscle relaxer

Sign here for consent to be treated by health staff.

[Signature] 12:35

(Do Not Write Below This Line - For Reply Only)

Given at 12:35

DOCTOR ☐ DENTIST ☐ OTHER ☐

Date 3-24-08 Time Received 12:35

Officer [Signature]

INMATE REQUEST SLIP

LOCATION 612

Name W. Ellis Date 3-27-08

☐ Telephone Call ☐ Time Sheet

☐ Special Visit ☐ Personal Problem ☐ Other

Briefly Outline Your Request. Give to Jailer

I need my pain meds please

(Do Not Write Below This Line - For Reply Only)

Given at 09:05

Approved _____ Denied _____ Collect Call _____

All request Will Be Routed Through The Sergeant Over The Jail, Then Forwarded To Those The Request Is Directed.

☐ Lieutenant ☐ Chief Deputy ☐ Sheriff

Date 3-27-08 Time Received 09:05

Jailer [Signature]

INMATE REQUEST SLIP

LOCATION 612

Name William Ellis Date 3-27-08

☐ Telephone Call ☐ Time Sheet

☐ Special Visit ☐ Personal Problem ☐ Other

Briefly Outline Your Request. Give to Jailer

I need my pain meds please

(Do Not Write Below This Line - For Reply Only)

Given at 15:30

Approved _____ Denied _____ Collect Call _____

All request Will Be Routed Through The Sergeant Over The Jail, Then Forwarded To Those The Request Is Directed.

☐ Lieutenant ☐ Chief Deputy ☐ Sheriff

Date 3-27-08 Time Received 15:30

Jailer [Signature]

Exhibit M

1/20/08 Inmate Grievance Form

070309009

RUSSELL COUNTY SHERIFF'S DEPARTMENT
CORRECTIONS DIVISION
INMATE GRIEVANCE FORM

1/20/08

NOTE: All grievances must be completed in ink. If additional pages are needed, plain lined paper may be used

Submitted By:	Received By:
Inmate's Name (last name first) <i>William Ellis</i>	CO's Name & ID Number <i>Timothy Miller, #41</i>
Housing Assignment <i>G max 1-20-08</i>	Shift Assignment <i>B-Night</i>

PART "A" INMATE REQUEST

I've submitted request about my Prescription eye glasses and I still don't have glasses. If I need to file a separate Claim please let me know and let save us all a lot of paperwork and time. Judge Walker recommends that I file a separate Claim.

Grievant (Inmate) Signature *William Ellis***PART "B" - RESPONSE**

1/22/08 Received inmate grievance form Referral to Nurse Riley-Pelley - H. Juarez -

Date of Response _____ Divisional Grievance Officer _____ ID Number _____

NOTE: If you are dissatisfied with this response, you may appeal directly to the Administrator of Corrections. Your appeal must be filed within 72 hours, excluding Saturdays, Sundays, and legal holidays, of the time/date you acknowledge receipt of this response.

PART "C" - RECEIPT

Return To _____ Date _____ Time _____

Submitting Inmate _____ Receiving Shift Supervisor _____

PART "D" - RETURN RECEIPT

Returned To _____ Date _____ Time _____

Witness _____ Submitting Inmate _____

APPEAL NOTIFICATION

I hereby give notice of appeal of the findings of the Divisional grievance Officer. I have attached to this notice of appeal a statement of the basis for my appeal.

Appeal Received By _____ Date _____ Time _____

Submitted By _____ Copy Received By _____

Exhibit N

Supplemental Inmate Records,
from January 4, 2008, to March 28, 2008

070309009

INMATE REQUEST FORM

Prentiss Griffith Detention Facility

G 12
LOCATIONName William Ellis Date 2-12-08**M E D I C A L**

Nature of complaint or illness:

Mrs Kiley, I don't appreciate my pain medication being cut in half. Dr Warren allows me 1 or 2 every 4 hours. Every time it comes through you are guaranteed to get 1 pain pill. I don't abuse my medication. If I have to speak to Dr Warren I will but there no need I just want my medication.

Sign here for consent
to be treated by health staff:

(Do Not Write Below This Line - For Reply Only)

and not a lot of problems. I Cause as little problems as I can I rested my case with the Court. If I have to take this and missing my mental health Appt. to the nursing Board

I will please resolve this

2/12/08 Instructions state take 1 or 2

DOCTOR ☒ tabs as needed. ☐ DENIST ☐ You have ☐ OTHER ☐ never

request 2 tabs. Appt has been rescheduled

and you do what you deem is

Date 2-12-08 Time Received 11:00 W. Ellis

076309009
INMATE REQUEST SLIP612
LOCATIONName William Ellis Date 1-23-08☐ Telephone Call☐ Time Sheet☐ Special Visit☐ Personal Problem☐ Other

Briefly Outline Your Request. Give to Jailer

Sgt Bunsy I need the address to the
Alabama State Board of adjustment.

Mr. Ellis

(Do Not Write Below This Line - For Reply Only)

ALABAMA STATE BOARD OF ADJUSTMENT
STATE CAPITOL
3rd FLOOR EAST WING
MONTGOMERY, AL 36130-1435

SLC. [Signature]

Approved _____ Denied _____ Collect Call _____

All request Will Be Routed Through The Sergeant Over The Jail, Then
Forwarded To Those The Request Is Directed.☐ Lieutenant☐ Chief Deputy☐ SheriffDate 1-23-08 Time Received 1900Jailer C/O Knox

**RUSSELL COUNTY SHERIFF'S DEPARTMENT
CORRECTIONS DIVISION
INMATE GRIEVANCE FORM**

Copy

NOTE: All grievances must be completed in ink. If additional pages are needed, plain lined paper may be used

12-11-07

Submitted By:	Received By:
Inmate's Name (last name first) <i>William Ellis</i>	CO's Name & ID Number <i>C/O Schroeder 58</i>
Housing Assignment <i>G max</i>	Shift Assignment <i>A Night 1900 hr.</i>

PART "A" INMATE REQUEST

I turned in a medical slip on 12-9-07 that the Chiropractic treatment was not helping me. In fact I put it in writing that it was hurting me more after turning in the Request. I was still sent, Dr. Warren asked me to try it out. I did and it was not helping. Even the Chiropractor told me she Couldn't

Grievant (Inmate) Signature _____

PART "B" - RESPONSE

12/13/07 - Received Referral to Ssgt. Baosay - Lt. Gallard. Forwarded a Copy to Dr. Warren & Nurse Riley - Lt. Gallard.

12-17-2007 - INMATE ELLIS THIS GRIEVANCE WAS FOR THE RECORD. INMATE ELLIS STATES HE ONLY WANTED A COPY TO BE GIVEN TO THE MEDICAL DIVISION. INMATE ELLIS STATES HE SPOKE TO DR. WARREN ON 12-17-07 AND RESOLVED THE CHIROPRACTIC PROBLEM

Date of Response *12-17-07*

Divisional Grievance Officer *SSG J. Bisset*

ID Number *9681*

NOTE: If you are dissatisfied with this response, you may appeal directly to the Administrator of Corrections. Your appeal must be filed within 72 hours, excluding Saturdays, Sundays, and legal holidays, of the time/date you acknowledge receipt of this response.

PART "C" - RECEIPT

Return To _____ Date _____ Time _____

Submitting Inmate _____ Receiving Shift Supervisor _____

PART "D" - RETURN RECEIPT

Returned To _____ Date _____ Time _____

Witness _____ Submitting Inmate _____

APPEAL NOTIFICATION

I hereby give notice of appeal of the findings of the Divisional grievance Officer. I have attached to this notice of appeal a statement of the basis for my appeal.

Appeal Received By _____

Date _____ Time _____

Submitted By _____

Copy Received By _____

help me. As of 12-10-07 she was recommending releasing me. We had a long talk. So I can only assume that intimidation would be the winner factor. Furthermore the Chiropractor is not an orthopedic Dr. of medicine. I refuse to be intimidated by a badge and a gun. I was in a car accident that resulted from excessive speed. I'm already mental health. So what do I get, put in a car traveling speeds in excess of 90 to 100 MPH to make it a timely effort. I slammed into the Security wall from slamming on brakes to avoid hitting someone. At any rate a badge doesn't give you the right to break the very laws you uphold. It's not personal it just shows the severe breakdowns in the system. Then my mental health appt. is cancelled 12-11-07, I get a letter from mental health asking why. To make me suffer more the muscle relaxer is taken away. It wasn't helping any way.

Keep letting me suffer this is the very thing that brought Southern poverty in here, Anytime you wish to resolve this lawsuit I'm open to suggestion. There's no excuse for letting someone suffer the 8th amendment and the patients bill of rights does not Clause in being incarcerated a reason to suffer. There's a huge difference in suffering and punishment. 5MM of a disc is hanging out of my spine putting direct pressure on my spinal cord. Not to mention the nerve damage. This is before we even discuss 11-20-07 I keep getting threatened with a video. If you got a video that also means you got surgery. go ahead and send it to the Court if it's so damning. I won't be intimidated or bluffed I know what happened. No need to wait for the "Special report" Send it in and end it. At any rate I've been under a Chiropractor after my car accident. In 1996 but in a Court of law ^{there} suggests

Since March. No matter how you go about it, you Cant
justify it. Theres a lot of things that go under the
radar here, and personally i could care less long as it
dont affect me. I Can tell you long as i suffer in
blinding pain every Court, Jurisdiction, U.S office
i can reach, i will.

Refusing me time to the law library

is a Violation of the 6th and 14th amendments.
I will Close this grievance and hope a resolution
Can be reached. Thank you for your time and Consideration
please return my copy.

Sincerely

William Daniel Ellis

INMATE REQUEST SLIP

G12
LOCATIONName William Ellis Date 1-8-05

- ☐ Telephone Call ☐ Time Sheet
☐ Special Visit ☐ Personal Problem ☐ Other

Briefly Outline Your Request. Give to Jailer

Sgt Bussey is still waiting to hear something
about my insides. I spoke with you on the
7th of Dec. you told me to wait so you could talk
to Dr. Warr. I really need something in
getting worse everyday.
Thank you Ellis

(Do Not Write Below This Line - For Reply Only)

YOU WILL NEED TO SPEAK TO DR. WARR. IF HE DETERMINES
IT'S GOING TO BE A MEDICAL NECESSITY THEN YOU MAY
HAVE THEM. SJB

Approved _____ Denied _____ Collect Call _____

All request Will Be Routed Through The Sergeant Over The Jail, Then
Forwarded To Those The Request Is Directed.☐ Lieutenant ☐ Chief Deputy ☐ SheriffDate 1-8-05 Time Received 1900Jailer CD R. [Signature]



RUSSELL COUNTY SHERIFF'S DEPARTMENT

TOMMY BOSWELL, SHERIFF
POST OFFICE BOX 640
PHENIX CITY, ALABAMA
36868 - 0640
(334) 298-6535
FAX (334) 291-7667

To: Inmate William Ellis
From: SSG. D. Bussey
Date: 01-24-2008
Re: Legal Mail Grievance

On 12-17-2007, I received a grievance form completed by you. In this grievance you state your legal mail was opened. On 12-17-2008, I had a conversation with you regarding this matter. During this conversation, I advised you officers are permitted to open legal mail in the presence of the addressed inmate and scan the contents for contraband. During this conversation you stated on 12-13-2008 at approximately 0200hrs you received legal mail from the U.S. District Court. You stated the mail was handed to you by Officer Freeman or Officer Jelks. You further stated you did not realize the mail had been opened until approximately 0400hrs. I advised you I would speak with the shift supervisors in reference to your complaint. On 01-02-2008, I received another grievance form stating your mail is still being opened.

The limited information provided in these complaints makes it almost impossible to investigate. In any future complaints please provide as much detail of the incident as possible. Include the time and date of the offense and the name of the officer(s) involved. In the event you receive legal mail opened outside your presence, immediately notify the officer that handed you the mail. Ask the officer to notify the shift supervisor on duty. Without following these steps it's impossible for me to corroborate your allegations.

SSG. Danny Bussey

A handwritten signature in black ink that reads "SSG. D. Bussey".

Asst. Corrections Administrator



**RUSSELL COUNTY SHERIFF'S DEPARTMENT
CORRECTIONS DIVISION
INMATE GRIEVANCE FORM**

NOTE: All grievances must be completed in ink. If additional pages are needed, plain lined paper may be used

Submitted By:

Received By:

Inmate's Name (last, name first)

CO's Name & ID Number

Housing Assignment

Shift Assignment

PART "A" INMATE REQUEST

Grievant (Inmate) Signature

PART "B" - RESPONSE

Date of Response

Divisional Grievance Officer

ID Number

NOTE: If you are dissatisfied with this response, you may appeal directly to the Administrator of Corrections. Your appeal must be filed within 72 hours, excluding Saturdays, Sundays, and legal holidays, of the time/date you acknowledge receipt of this response.

PART "C" - RECEIPT

Return To

Date

Time

Submitting Inmate

Receiving Shift Supervisor

PART "D" - RETURN RECEIPT

Returned To

Date

Time

Witness

Submitting Inmate

APPEAL NOTIFICATION

I hereby give notice of appeal of the findings of the Divisional grievance Officer. I have attached to this notice of appeal a statement of the basis for my appeal.

Appeal Received By

Date

Time

Submitted By

Copy Received By

Copy

RUSSELL COUNTY SHERIFF'S DEPARTMENT
CORRECTIONS DIVISION
INMATE GRIEVANCE FORM

NOTE: All grievances must be completed in ink. If additional pages are needed, plain lined paper may be used

Submitted By:	Received By:
Inmate's Name (last-name first) <i>William Ellis</i>	CO's Name & ID Number <i>108-08</i> <i>1900</i>
Housing Assignment <i>G max 1/6/07</i>	Shift Assignment

PART "A" INMATE REQUEST

Sgt Bussey - I still have not received a copy of the last two grievances. After we spoke in your office, you told me I would get those back for my records.

Grievant (Inmate) Signature

William Louis Ellis

PART "B" - RESPONSE

LETTER ATTACHED

Date of Response _____ Divisional Grievance Officer _____ ID Number _____

NOTE: If you are dissatisfied with this response, you may appeal directly to the Administrator of Corrections. Your appeal must be filed within 72 hours, excluding Saturdays, Sundays, and legal holidays, of the time/date you acknowledge receipt of this response.

PART "C" - RECEIPT

Return To _____ Date _____ Time _____

Submitting Inmate _____ Receiving Shift Supervisor _____

PART "D" - RETURN RECEIPT

Returned To _____ Date _____ Time _____

Witness _____ Submitting Inmate _____

APPEAL NOTIFICATION

I hereby give notice of appeal of the findings of the Divisional grievance Officer. I have attached to this notice of appeal a statement of the basis for my appeal.

Appeal Received By: _____ Date _____ Time _____

Submitted By: _____ Copy Received By: _____

1-08-08

17:05

Burray

**RUSSELL COUNTY SHERIFF'S DEPARTMENT
CORRECTIONS DIVISION
INMATE GRIEVANCE FORM**

NOTE: All grievances must be completed in ink. If additional pages are needed, plain lined paper may be used

Submitted By:	Received By:
Inmate's Name (last name first) <i>William James Ellis</i>	CO's Name & ID Number <i>W. J. Ellis #47</i> <i>1-8-08</i> <i>1900</i>
Housing Assignment <i>C, max 1/8/08</i>	Shift Assignment

PART "A" INMATE REQUEST

Sgt Burray - I still have not received a copy of the last two grievances that i discussed with you in your office. I was assured i would get my copy(s) back that was over 3 weeks ago.

Grievant (Inmate) Signature *William James Ellis***PART "B" - RESPONSE**

LETTER ATTACHED

Date of Response _____ Divisional Grievance Officer _____ ID Number _____

NOTE: If you are dissatisfied with this response, you may appeal directly to the Administrator of Corrections. Your appeal must be filed within 72 hours, excluding Saturdays, Sundays, and legal holidays, of the time/date you acknowledge receipt of this response.

PART "C" - RECEIPT

Return To _____ Date _____ Time _____

Submitting Inmate _____ Receiving Shift Supervisor _____

PART "D" - RETURN RECEIPT

Returned To _____ Date _____ Time _____

Witness _____ Submitting Inmate _____

APPEAL NOTIFICATION

I hereby give notice of appeal of the findings of the Divisional grievance Officer. I have attached to this notice of appeal a statement of the basis for my appeal.

Appeal Received By _____ Date _____ Time _____

Submitted By _____ Copy Received By _____

**RUSSELL COUNTY SHERIFF'S DEPARTMENT
CORRECTIONS DIVISION
INMATE GRIEVANCE FORM**

NOTE: All grievances must be completed in ink. If additional pages are needed, plain lined paper may be used

Submitted By		Received By	
Inmate's Name (last name first) <i>William Ellis</i>	<i>12/30/07</i>	CO's Name & ID Number <i>Schwarz 59</i>	
Housing Assignment <i>G max</i>		Shift Assignment <i>A Night</i>	<i>1900</i>

PART "A" INMATE REQUEST

Sgt Bussey My legal mail is still being opened. Also I have not recieved my Copy's of my grievances that you told me i would get. Thank -

Mr Ellis

Grievant (Inmate) Signature _____

PART "B" - RESPONSE

*1/2/08 - Referred to S. Sgt. Bussey - J.P. Galland -
LETTER ATTACHED*

Date of Response _____ Divisional Grievance Officer _____ ID Number _____

NOTE: If you are dissatisfied with this response, you may appeal directly to the Administrator of Corrections. Your appeal must be filed within 72 hours, excluding Saturdays, Sundays, and legal holidays, of the time/date you acknowledge receipt of this response.

PART "C" - RECEIPT

Return To _____ Date _____ Time _____

Submitting Inmate _____ Receiving Shift Supervisor _____

PART "D" - RETURN RECEIPT

Returned To _____ Date _____ Time _____

Witness _____ Submitting Inmate _____

APPEAL NOTIFICATION

I hereby give notice of appeal of the findings of the Divisional grievance Officer. I have attached to this notice of appeal a statement of the basis for my appeal.

Appeal Received By _____ Date _____ Time _____

Submitted By _____ Copy Received By _____

INMATE REQUEST SLIP

LOCATION 712

Name William Ellis Date 1-20-08

- ☐ Telephone Call ☐ Time Sheet
☐ Special Visit ☐ Personal Problem ☐ Other

Briefly Outline Your Request. Give to Jailer

Sgt Bassey I still haven't heard
anything about my shoes)

(Do Not Write Below This Line - For Reply Only)

THAT WILL BE MEDICAL'S DECISION.

5368

Approved _____ Denied _____ Collect Call _____

All request Will Be Routed Through The Sergeant Over The Jail, Then Forwarded To Those The Request Is Directed.

- ☐ Lieutenant ☐ Chief Deputy ☐ Sheriff

Date 01/20/08 Time Received 2/1:00

Jailer 168

INMATE REQUEST SLIP G-12

LOCATION

Name "Anonymous" Date 12-22-07☐ Telephone Call☐ Time Sheet☐ Special Visit☒ Personal Problem☐ OtherBriefly Outline Your Request. Give to Jailer

Inmate William Ellis got his cigarettes today from "Officer Worst" and told me to give him (inmate Ellis) 3 items for one. I slid my 3 items 1st then he kept them.
HE GOT A WHOLE PAK OF BUGLER IN HIS MAT!

(Do Not Write Below This Line - For Reply Only)

* 12-24-07 - Sgt. Moon ordered shake-down in G-max unit, and didn't recover any tobacco.

Approved _____ Denied _____ Collect Call _____

All request Will Be Routed Through The Sergeant Over The Jail, Then Forwarded To Those The Request Is Directed.

☐ Lieutenant☐ Chief Deputy☐ SheriffDate 12-24-07 Time Received 0700Jailer do Miller

**RUSSELL COUNTY SHERIFF'S DEPARTMENT
CORRECTIONS DIVISION
INMATE GRIEVANCE FORM**

NOTE: All grievances must be completed in ink. If additional pages are needed, plain lined paper may be used

Submitted By:	Received By:
Inmate's Name (last name first) <i>William Ellis</i> <i>12/30/07</i>	CO's Name & ID Number <i>Schward 59</i>
Housing Assignment <i>G max</i>	Shift Assignment <i>A Night 1900</i>

PART "A" INMATE REQUEST

Sgt Bussey My legal mail is still being opened. Also I have not recieved my Copy's of my grievances that you told me i would get. Thank -

Mr Ellis

Grievant (Inmate) Signature _____

PART "B" - RESPONSE

1/2/08- Referred to S. Sgt. Bussey - J. P. Galland -

Date of Response _____ Divisional Grievance Officer _____ ID Number _____

NOTE: If you are dissatisfied with this response, you may appeal directly to the Administrator of Corrections. Your appeal must be filed within 72 hours, excluding Saturdays, Sundays, and legal holidays, of the time/date you acknowledge receipt of this response.

PART "C" - RECEIPT

Return To: _____ Date: _____ Time: _____

Submitting Inmate: _____ Receiving Shift Supervisor: _____

PART "D" - RETURN RECEIPT

Returned To: _____ Date: _____ Time: _____

Witness: _____ Submitting Inmate: _____

APPEAL NOTIFICATION

I hereby give notice of appeal of the findings of the Divisional grievance Officer. I have attached to this notice of appeal a statement of the basis for my appeal

Appeal Received By: _____ Date: _____ Time: _____

Submitted By: _____ Copy Received By: _____

Submitted By:	Received By:
Inmate's Name (last name first) William Lanier Ellis Sr.	CO's Name & ID Number J. F. [Signature]
Housing Assignment	Shift Assignment 10/21/07 1900

PART "A" INMATE REQUEST

I'm light of my visit with Dr. Warr on 10/22/07. Dr. Warr
I hope has enough of my medical History to determine that the
severe pain im in does play a role in my overall health. The
Depression, Anxiety, no sleep. There are 12 Cranial nerves that
feed directly to the spine.
Grievant (Inmate) Signature William Lanier Ellis

PART "B" - RESPONSE

10-27-07- MR. Ellis, if you have any other problems
with 2c # 3:07-CV-920 (MHT) I would
not you file them with the Courts.
You do not have to complete an inmate
form because your case has been
forward a copy to Dr. Warr and
I do not believe that this issue
will be resolved. Because Medical works with the doctor's
order. If you are not satisfied with this response, you may appeal directly to the Administrator of Corrections. Your appeal must be filed within 72 hours,
including Saturdays, Sundays, and legal holidays. If the time date you acknowledge the receipt of this response.
PART "C" - RECEIPT
in our medical Department with an issue you have
already filed with the Courts.
Submitting Inmate J. F. [Signature]
Receiving Shift Supervisor 10/27/07

PART "D" - RETURN RECEIPT

Returned To	Date	Time
Witness	Submitting Inmate	

APPEAL NOTIFICATION

I hereby give notice of appeal of the findings of the Divisional grievance Officer. I have attached to this notice of appeal a statement of the basis for my appeal

Appeal Received By	Date	Time
Submitted By	Copy Received By	

In order to eliminate pain you have to shut down, the nerve transmitters in the Brain. At present the treatment is no where near shutting down the "Pain receptors".

Mine happen to start at S1 radiate into the major portion of the left hip. The entire motor function of the right hip. With reflexsis in both legs. Namley putting the Baker Cyst in both legs.

The pain never stops it never ends when i sleep its from exaustion, plain and simple. My mind never shuts down its always at peak level. In my medical records, you'll see that i have always suffered from issues with sleep.

Please make this part of the record
Dr. Warr in Begging you to get this pain under
Control.

Respectfully I submit
on this 14 Day of Oct.
William Louis Ellis

VICTIM	CELL #	DATE	TIME	SHIFT SUPERVISOR
RCS	I-13	08-18-07	0420	SGT PERRY
OFFENDER	CELL #	TYPE OF INCIDENT/OFFENSE		
WILLIAM WELLS		DISOBEYING A ORDER		
WITNESSES	CELL #	WITNESSES (OFFICERS)		
1.				
2.				
3.				

NARRATIVE:

ON 08-18-07 AT OR ABOUT 0420HRS C/O STEPHEN WURST WAS CONDUCTING MORNING FEEDING IN MALE POD 2 AREA. WHILE FEEDING I BLOCK INMATE WILLIAM WELLS (HOUSED IN I-13) RELIEVED HIS TRAY. C/O WURST NOTICED THAT HIS DOOR WAS NOT SHUT. C/O WURST INSTRUCTED INMATE WELLS TO SHUT THE DOOR. C/O WURST NOTICED NO RESPONSE. C/O WURST WALKED OVER TO ROOM 13 AND SECURED THE DOOR. INMATE WELLS YELLED HIS FINGERS WERE BROKEN. C/O WURST INFORMED C/O ANDREWS TO TAKE INMATE WELLS TO THE INFIRMARY TO HAVE HIS FINGERS CHECKED. C/O WURST FINISHED FEEDING. MOMENTS LATER C/O WURST WAS INSTRUCTED BY SGT PERRY TO TRANSPORT INMATE WELLS TO SUMMIT HOSPITAL. WHILE AT SUMMIT HOSPITAL INMATE WELLS HAD HIS FINGERS EXAMINED BY THE HOSPITAL STAFF + X RAYED. HOSPITAL

VICTIM	CELL #	DATE	TIME	SHIFT SUPERVISOR
OFFENDER	CELL #	TYPE OF INCIDENT/OFFENSE		
WITNESSES	CELL #	WITNESSES (OFFICERS)		
1.				
2.				
3.				

NARRATIVE:

STAFF STATED THAT ONE FINGER WAS BROKEN. THE FINGER
WAS SP LINTED AND INMATE WELLS WAS RELEASED. AND C/D
WURST TRANSPORTED BACK TO RUSSEL COUNTY JAIL
C/O WURST PLACED ALL MEDICAL PAPERWORK IN MEDICAL
BOX. END OF STATEMENT

C/O WURST
[Signature]

**RUSSELL COUNTY SHERIFF'S DEPARTMENT
CORRECTIONS DIVISION
INMATE GRIEVANCE FORM**

Case # 3:07-CV-920

NOTE: All grievances must be completed in ink. If additional pages are needed, plain lined paper may be used

Submitted By:	Received By:
Inmate's Name (last name first) <i>William Lamin Ellis Jr.</i>	CO's Name & ID Number <i>Brown, K. 38</i>
Housing Assignment	Shift Assignment <i>D-Day</i>

PART "A" INMATE REQUEST

St. Holland

Im glad you were in medical, now you see what im deal with. I have exhausted all efforts to go along with Dr. Warn. Im suffering and there is no end to it, its day and night, night and day it never ends. Im trying to meet Dr. Warn but

Grievant (Inmate) Signature *William Ellis*

PART "B" - RESPONSE

10-22-07- Thanks for all the info, I will forward a copy of this letter to Medical to add to their records.

J.F. Holland
10/20/07

Date of Response _____ Divisional Grievance Officer _____ ID Number _____

NOTE: If you are dissatisfied with this response, you may appeal directly to the Administrator of Corrections. Your appeal must be filed within 72 hours, excluding Saturdays, Sundays, and legal holidays, of the time/date you acknowledge receipt of this response.

PART "C" - RECEIPT

Return To _____ Date _____ Time _____

Submitting Inmate _____ Receiving Shift Supervisor _____

PART "D" - RETURN RECEIPT

Returned To _____ Date _____ Time _____

Witness _____ Submitting Inmate _____

APPEAL NOTIFICATION

I hereby give notice of appeal of the findings of the Divisional grievance Officer. I have attached to this notice of appeal a statement of the basis for my appeal.

Appeal Received By _____ Date _____ Time _____

Submitted By _____ Copy Received By _____

I refuse to back down. you heard him say he knows im in pain and it'll get worse. It already has got worse and he think i wont drug to feel good? Give me a break that is just absurd.

I dont appreciate being treated like a drug addict. I never abused my medication. Furthermore i've never had a drug charge.

Having a License to practice medicine does not give you the right to abuse people. This is about the 4, or 5 time i have seen him for my throat and ears. Rather than look a little deeper to find out why. It will be covered up for a month or so then happen again. the last time was August.

I assure you, if he thinks or Mrs Riley thinks im going to back off, it wont happen. Also if he thinks that he is going to get all my previous Dr.'s go against their own records its slim to none.

If he is knowingly make me suffer then he will have to answer for that. This never should have went this far. As of 11/1/07 it will be made public record. I also Caution the gathering of my medical records without my hand written Consent, further more by phone, voice fax.

As i made it known in your presence this is not about me being in jail. Im suffering Lt Hollands. as i made it known to you before this is one of the better facilities its been in.

Dr. waver has gotten away with letting inmates suffer needlessly as with any thing you only get away with it so long.

Now a Class Action petition has been signed and made part of the record. Following with numerous inmates of the same Complaint Better and fair medical treatment. A formal Complaint will be filed with the Alabama State Board of nursing and The Alabama state board of medicine. I would assume by now that you are i dont bluff.

They have a lot to answer for and it will be to me and a U.S. Magistrate Judge. The interesting thing is Judge Walker will dismiss the Jail "its self" as it is not a legal entity subject to suit.

However Staff is. Further more later this week Tommy Bowell will receive a 21 page grievance filled out with medical request. I'm one of those on 6/18 i was begging for help. There is a paper, trace a mile long.

Every request and guidance i have sent I havent got 1 back yet with an explanation.

I apologize if i was rude or disrespectful in any way. I'm hurting bad. Furthermore thank you for setting in now you have an idea of what is going on.

Sincerely
William James Ellis Jr

RUSSELL COUNTY SHERIFF'S DEPARTMENT
CORRECTIONS DIVISION
INMATE GRIEVANCE FORM

NOTE: All grievances must be completed in ink. If additional pages are needed, plain lined paper may be used

Staff Copy

Submitted By	Received By
Inmate's Name (last name first) William Ellis	CO's Name & ID Number DOWRST 24 1900 OCT 4
Housing Assignment G max	Shift Assignment

PART "A" INMATE REQUEST

ON tuesday oct the 2nd i made a inquiry With Mrs Riley why was i still recide ing a medication that was Discontinued. she says it wasnt. In the medication ledger it verify's that it was stopped. The other inquiry was if Dr. Warr was aware

Grievant (Inmate) Signature

PART "B" - RESPONSE

11/9/07- Referred to Medical Dr. Work, and Nurse Riley - J.P. Gallard.

Date of Response Divisional Grievance Officer ID Number

NOTE: If you are dissatisfied with this response, you may appeal directly to the Administrator of Corrections. Your appeal must be filed within 72 hours, excluding Saturdays, Sundays, and legal holidays, of the time/date you acknowledge receipt of this response.

PART "C" - RECEIPT

Return To	Date	Time
Submitting Inmate	Receiving Shift Supervisor	

PART "D" - RETURN RECEIPT

Returned To	Date	Time
Witness	Submitting Inmate	

APPEAL NOTIFICATION

I hereby give notice of appeal of the findings of the Divisional grievance Officer. I have attached to this notice of appeal a statement of the basis for my appeal.

Appeal Received By	Date	Time
Submitted By	Copy Received By	

Part B

That i had my first seizure. I was asked if i told any one. Seems every one but her know about it. Sgt San Nicolas, officer freem, officer Goodman.

She knows she just dont want to hear it. now im refused treat ment until i see mental health.

I submitted 10 pages of information, places, events, to Dr. Warr to try and help him understand whats going on. That has been well over a week ago.

The same information was submitted to Mr. Boswell.

So i assume that the regard for his patients is little. His intrest seem to be that of pleasing Mrs. Riley.

Regardless of this being a Detention facility, im still a patient as well as an inmate.

Do you just pick up a phone and call the Doctor and tell him what you want him to hear. Someone has Cut 2 medications that were giving my Seizures bad problems.

Then i have one, and your not even going to follow up. That is the first thing that should be done.

Dr Warr is not a neurologist and when it comes to my Seizures has not way to

Say what is or is not going on in my mind.
I have been under 2 well respected
neurologist and i know the procedure and follow
up that is to occur when i have one.

Under Rule 11, FEDERAL RULES OF CIVIL
Procedure this along with prior grievance's will
be attached, as part of the record.

These Complaints are well grounded
on medical History and record. Not that of opinion
or therapy But plain, facts.

Grievance attachment. Record 003. Part 1, A
to 1983, attachment.

Mr. Ellis

RUSSELL COUNTY SHERIFF'S DEPARTMENT

CORRECTIONS DIVISION

INMATE GRIEVANCE FORM

NOTE: All grievances must be completed in ink. If additional pages are needed, plain lined paper may be used

Submitted By:	Received By:
Inmate's Name (last name first) <i>William Ellis</i>	CO's Name & ID Number <i>JO WURST 24 1900 OCT 4</i>
Housing Assignment <i>G max</i>	Shift Assignment

PART "A" INMATE REQUEST

ON Tuesday Oct the 2nd i made a inquiry With Mrs Riley why was i still recide ing a medication that was Discontinued. she says it wasnt. In the medication ledger it says that it was stopped. The other inquiry was if Dr. Warr was aware

Grievant (Inmate) Signature _____

PART "B" - RESPONSE

11/9/07- Referred to Medical Dr. Warr and Nurse Riley - J. P. Gallard.

10/15/07- Referred to Medical Dr. Warr and Nurse Riley - P. Gallard - J. P. Gallard Leonard -

Date of Response _____ Divisional Grievance Officer _____ ID Number _____

NOTE: If you are dissatisfied with this response, you may appeal directly to the Administrator of Corrections. Your appeal must be filed within 72 hours, excluding Saturdays, Sundays, and legal holidays, of the time/date you acknowledge receipt of this response.

PART "C" - RECEIPT

Return To	Date	Time
Submitting Inmate	Receiving Shift Supervisor	

PART "D" - RETURN RECEIPT

Returned To	Date	Time
Witness	Submitting Inmate	

APPEAL NOTIFICATION

I hereby give notice of appeal of the findings of the Divisional grievance Officer. I have attached to this notice of appeal a statement of the basis for my appeal

005

Appeal Received By	Date	Time
Submitted By <i>William Ellis</i>	Copy Received By	

See Attachment. PLG-021

Attachment

Part B

That i had my first seizure. I was asked if i told any one. Seems every one but her knows about it. Sgt San Nicolas, officer freem, officer Goodman.

She knows she just dont want to hear it. now im refused treat ment until i see mental health.

I submitted 10 pages of information times, places, events, to Dr. Warr to try and help him understand whats going on. That has been well over a week ago.

The same information was submitted to Mr. Boswell.

So i assume that the request for his patients is little. His interest seem to be that of pleasing Mrs. Riley.

Regardless of this being a Detention facility, im still a Patient as well as an inmate.

Do you just pick up a phone and call the Doctor and tell him what you want him to hear. Someone has Cut 2 medications that were giving my Seizures bad Problem.

Then i have one, and your not even going to follow up. That is the first thing that should be done.

Dr Warr is not a Neurologist and when it comes to my Seizures has not way to

Say what is or is not going on in my mind.

I have been under 2 well respect Neurologist and i know the procedure and follow up that is to occur when i have one.

Under Rule 11, FEDERAL RULES OF CIV Procedure this along with prior grievance's will be attached, as part of the record.

These Complaints are well grounded on medical History and record. Not that of opinion or therapy But plain, facts.

Grievance attachment. Record 003. Part 1, A to 1983, attachment.

Mr. Ellis

Appeal Notification, Went to medical 1:00 P.m to follow up with Dr. Warr. So he can tell me that he made the inquiry with mental health and i cant be seen until February and until then Im just to be in jail. Until i go to mental health Im not going to be treated. Because he dont want to make a mistake?

Well there have been so many mistakes they hardly cant be counted I dont know what

the Connection is with Tina Riley and Dr. Waver. One thing I know she Controls Medical. And him.

As far as mistakes, You have a R.N. writing Down Doctors orders going over Charts. Making Diagnosis Forging medical ledgers for prescription Drugs.

If she will go in and put my Initial on the medical log for medication. Do you honestly think she wont make her own decision on treatment. Dr waver puts his signature on what she writes.

What Dr. Waver is doing is a full Violation of his practice and he knows it. As part of the record in writing this appeal for refusal of treatment and not receiving treatment on this 11th day of October my vitals were taken.

As part of this Grievance procedure and report a formal Complaint will be made with the U.S. Department of Health and Human Services. In Atlanta Ga.

A Formal Grievance will be filed as of 10/10/07. Against Tina Riley, Dr. Waver.

Punishment? that is when you go to medical and Deal with these two. Jail is light punishment Compared to medical.

Dr. waver doesnt want to give me any medication because he will have to go by my previous medical records and what worked so well for me.

So i can only assume all the other doctors i seen were wrong and the medication that he dont agree with but regardless they work well for me. Because they are Narcotic, Narcotics are a practical part of medicine. An everyday part of life.

This is jail i agree the criminals are in uniform. I take a dollar the right way and they show their true side among other things. I have no complaint to each his own but this is about my health and well being.

Someone needs to ask Dr. Warr to see the 10 pages of information i submitted to him. If i have to start sending my grievances to Mr. Boswell i will but this has gone far enough.

I also need my medical records i come in with my own and they are not in my property. I have 2 properly slips for those records and i need them to get copies. They are also my hard copy files.

In short this is a out of control situation.

C/O Hunter
8-12-07
2050

RUSSELL COUNTY SHERIFF'S DEPARTMENT
CORRECTIONS DIVISION
INMATE GRIEVANCE FORM

NOTE: All grievances must be completed in ink. If additional pages are needed, plain lined paper may be used

Staff Copy.

Submitted By:	Received By:
Inmate's Name (last name first) William Ellis	CO's Name & ID Number F. Brown 6642
Housing Assignment C max	Shift Assignment C-DAY

PART "A" INMATE REQUEST

Thursday June 28th I had a follow up with Dr. Warr about my back. At this follow up all of my medical is discussed. Dr. Warr and myself speak about the Depression and anxiety in dealing with

Grievant (Inmate) Signature William Ellis Jr

PART "B" - RESPONSE

9/16/07 - I checked with Nurse Pilgry and also forwarded this grievance form to her to allow Dr. Warr to read and over view for follow-up - H. Galland -

*Copy forward 9/16/07 - to Nurse Ritey-Pilgry & Dr. Warr

Date of Response _____ Divisional Grievance Officer _____ ID Number _____

NOTE: If you are dissatisfied with this response, you may appeal directly to the Administrator of Corrections. Your appeal must be filed within 72 hours, excluding Saturdays, Sundays, and legal holidays, of the time/date you acknowledge receipt of this response.

PART "C" - RECEIPT

Return To _____ Date _____ Time _____

Submitting Inmate _____ Receiving Shift Supervisor _____

PART "D" - RETURN RECEIPT

Returned To _____ Date _____ Time _____

Witness _____ Submitting Inmate _____

APPEAL NOTIFICATION

I hereby give notice of appeal of the findings of the Divisional grievance Officer. I have attached to this notice of appeal a statement of the basis for my appeal.

Appeal Received By _____ Date _____ Time _____

Submitted By _____ Copy Received By _____

Part B
Grievance.

But nothing is done. I have submitted 4 medical request to Mrs Pelfrey. Along with 2 Verbal request about this.

Everything through medical is a Constant struggle to get anything done. Dr Warr approved me to have some muscle rub for my back and legs. (This was approved on 6-28-07 and i have got 3 trial size packs for my Back.

These walls are Closing in on me i have been here since March 9th. I still dont know anything. No indictment, no paperwork. Last monday my mom had Congestive heart failure. Im asking and have been for help. Im having crying spells Cold sweats. She suffered from Chronic Anxiety for years. Then when some body goes off, staff ask "why". Lee County had me in mental health Muscogee County. I served in a mental health prison.

Im trying all i Can to Keep the bad side of me down. It harder every day. Nurse Stewart in Lee County spent enough time with me to learn the other side. She went to Dr. McToland and i was put in mental health

Part 5

Mrs. Palfrey if you haven't learned anything about me, I think you know is everything in my medical I have told you is true.

I need some help, there is a lot about me and my past that you don't know.

Everyone has their own Demons to fight. Mine start at the age of 4. And through out my adult life has continued on.

I can't escape my past its always there. Always in my memory. The beatings being molested, my father dying in my arms.

As time goes on it gets worse its a movie that never ends. I grow in my back and my Case. I have too much on me.

M. Ellis

7-12-07

1312

ote free for

RUSSELL COUNTY SHERIFF'S DEPARTMENT
CORRECTIONS DIVISION
INMATE GRIEVANCE FORM

NOTE: All grievances must be completed in ink. If additional pages are needed, plain lined paper may be used

Submitted By:

Received By:

Inmate's Name (last name first)

CO's Name & ID Number

Housing Assignment

Shift Assignment

PART "A" INMATE REQUEST

Grievant (Inmate) Signature

PART "B" - RESPONSE

Date of Response

Divisional Grievance Officer

ID Number

NOTE: If you are dissatisfied with this response, you may appeal directly to the Administrator of Corrections. Your appeal must be filed within 72 hours, excluding Saturdays, Sundays, and legal holidays, of the time/date you acknowledge receipt of this response.

PART "C" - RECEIPT

Return To

Date

Time

Submitting Inmate

Receiving Shift Supervisor

PART "D" - RETURN RECEIPT

Returned To

Date

Time

Witness

Submitting Inmate

APPEAL NOTIFICATION

I hereby give notice of appeal of the findings of the Divisional grievance Officer. I have attached to this notice of appeal a statement of the basis for my appeal.

Appeal Received By

Date

Time

Submitted By

Copy Received By

St Holland.

Now i understand why i havent gotten any mail. From what i understand Jeff Hall is telling you i stole his sisters address?

Let me assure you St Holland, i didnt steal anything he told me the address to her buisness and if you got Cops of them you know there was nothing to it. I he even wrote him and told him to tell me thank you.

I did a portrait of her grand kids. When i realized i had the 1 of her niece i gave it to the worst to return to him, And he did.

He asked me not to write her any more and i havent. Me and Jeff were supposed to be friends but i learned my lesson on that. you Can Check the mail log the only mail is to my family.

But all of this is Coming behind David and Tifani. I draw portraits and pictures and i thought i was doing him a favor after all the Conflict they had. But let me assure you its been over 6 weeks i guess since i wrote her with the portrait of her grand kids

over.

officer Memo is on leave, what im telling you
no one, i mean no one! knows and could be
a death sentence to me. This father is Det.
Memo of Metro Narcotics in Columbus.

I became a Confidential informant
in 1993, although i havent been active for some
years the fact that i am is a risk im willing
to take. you and you alone know this

Memo and Wiggins are pretty
tight if 2 and 2 is put together, he will tell
every one.

I have no hard feelings toward
him i just dont need any more problems.

I'm already epileptic one kick
to the head could kill me plain and simple
not including my back which you already know
about. My mom can fill you in on my wife

Mom Glenda Ellis 766 561-2777
Julia Ellis 360-501-6516

Disability
Washington
State

Once you receive this letter and
he gets word of it i need to know that it can
be taken care of. I'm sending a copy to
my family. Please all this is very Confidential

What you
William Ellis

P.S. - Please Check on my
mail

SL Holland.

there is a very serious situation that staff needs to be aware of. I have no other recourse but to bring it to your attention.

Myself and inmate David Wiggins have had words in the past while i was in A dorm^{ment}. nothing major but enough to keep us from speaking.

I never met him until i came back here to Russell County. Through general conversation i find out i know of him but never met him face to face.

In that conversation i find out that my x Tifani Schaper tries to persuade him to kill me before i get out of prison. That really didnt bother me until i found out that she is coming to visit him.

Now all of a sudden the hate in him has escalated to a very dangerous point. Last week he gets me over to the window and tells me he is going to cut my throat if he gets his hands on me.

Someone facing Capital Murder or death penalty doesnt have any thing to loose but i do im trying to get the mess in in straitened out

Tifani Schaper - Miller

not get in anymore trouble. I havent been in any confrontations or fights at all.

In 2005 Mrs. Schaffer tried to get me charged with aggravated stalking the judge dismissed it but the restraining order is in tact.

She knows very, very! Critical information about me. We were together for 2 years and have a son. We do not speak or talk but her giving him information about me is to much.

I'm not a violent person and do not wish for this to escalate but i was around him long enough to know he will not let it rest.

My mother called down here last night she hasnt got my mail and i havent got any mail.

I have told her about some of this but not all of it she knows something is wrong and my wife also knows all of this in the event something were to happen.

I have seen with my own eyes the things he could pull off and please know if i have to defend my self i will.

This is way out of my league im not a smitch inmates will be inmates and as long as it doesnt affect me i dont care.

July 2, 2007

Sheriff Tommy Boswell
Russell Co. Sheriff's Department
P. O. Box 640
Phenix City, AL 36868-0640

Dear Sheriff Boswell:

My brother is an inmate at the Russell Co. Jail. He has explained to me how I came to receive the enclosed 2 letters. Copies included. I have the original copies.

I did not respond and do not plan to. However, I expect you or the Jail Personnel to stop these letters. I do not appreciate the fact that someone I do not know is writing me such personal remarks. Nor, do I appreciate the gruesome looking drawings.

I want this stopped immediately. I do understand that Mr. Ellis is no longer in the same location as my brother; but he still has my address.

Please call me immediately upon receipt of this letter and let me know that action is being taken to keep Mr. Ellis from sending any more correspondence to me.

Thank you in advance,

Linda

Linda Jarecki
706-569-9938 -- day phone

cc: Meacham, Early & Fowler, Attorneys
Lt. Holland, Russell Co. Jail

*7/20/07
William Ellis spoke
with his inmate
and advise him not
to write Mrs. Jarecki
and he advise me
he was not. J. Jarecki*

*- Called left a message
listed number.
7/11/07 - spoke w Linda about
other info I needed to forward
thing with her request.
7/19/07 - As of this notice I
have not received any
information that I
requested to forward
thing with this
message.*

Case 3:09-cr-00055-NWA-SRW Document 10-3 Filed 02/31/2009 Page 40 of 41
I only told Jeff this guy could do it!

Linda

▼

10-17-07

im glad you liked the drawing its always nice to know, that the work wasnt a waste.

I'm sending a portrait of your granddaughter and your niece. These are the hardest to do because i only do them in pen and i mistake and you have to start all over. The satisfaction is knowing it came from the heart and you cant get them any where else.

DID NOT SEND HIM PHOTO! Only problem was you cheated and didnt send a picture of you large enough for me to see. The one you did send you look great in. I just need to be able to see it a little closer.

Building Computers has ruined my eyes did i forget that part? yes my apology um . . . lets see . . . from the start will. Thats what everyone calls me im 37 and happy fathers day to me! . . . smile please . . . thank you

I'm here Cause i didnt Call 911 to my house now . . . youll love this . . Attempted murder. Jeff isnt the only one they are trying to railroad. Anyway Jeff is blessed to have a sister that looks out for him. And we all know how stubborn he can be ☺ Dont tell him, he agrees to it.

Moving right along im also enclosing a picture of me. Its always nice to put a name with a face.

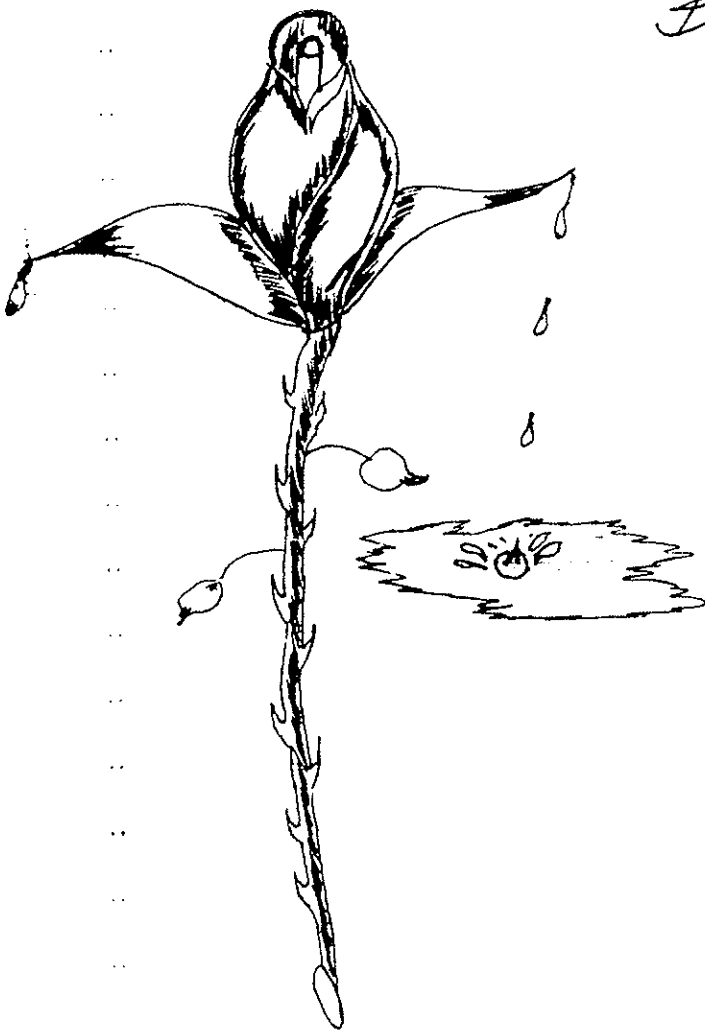
So atleast you know who your speaking
with. I live right over where your shop
is. Down by the Car wash on warm springs
... did i forget anything? ... not for the
most part and yes im always cutting up.

I love to see people smile, so
i hope to atleast get a letter from you
after all this work. im joking ☺ Smile

I'll Class for now, Keep your
eyes bright and your spirit full you never know
who's life you might touch.

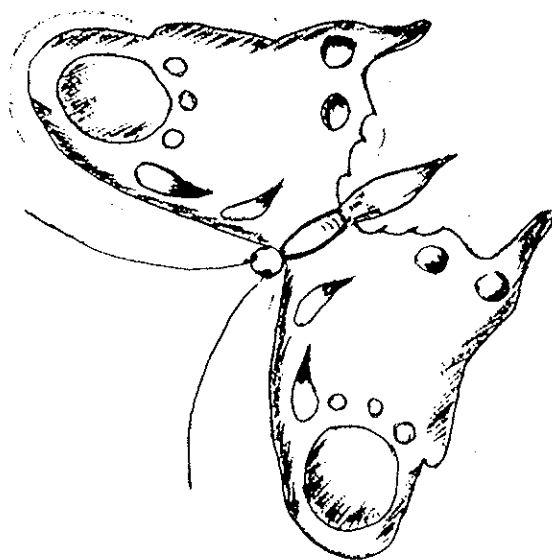
By Forever Sweet!

Will



P.S. Sorry the portraits
are not my best, but my
pen is bleeding, but i
think they'll do!
Be good!
W. 11

be sweet,
brighten your day!
Smile on your face and
Just something to put a
Woman's special



Michelle



Michelle

To: Linda
A little love and the world
is a better place
10-1-18-08

6-18-07
P. 25
211

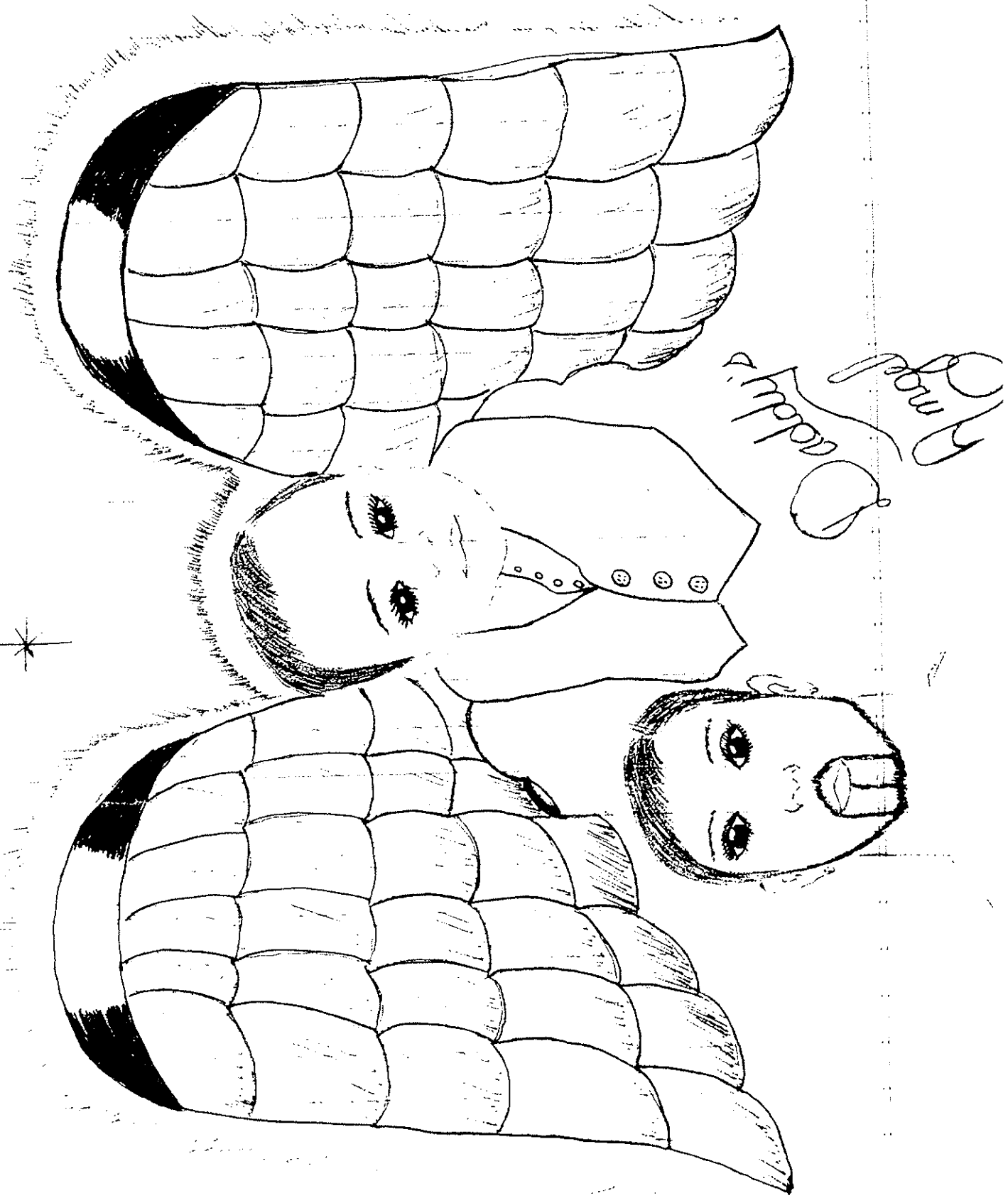


Exhibit O

Affidavit of Loetta Holland

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

WILLIAM LANIER ELLIS, SR.,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.: 3:08-cv-55-WKW-SRW
)	
TOMMY BOSWELL,)	
)	
Defendant.)	

AFFIDAVIT OF LOETTA HOLLAND

STATE OF ALABAMA)
)
COUNTY OF RUSSELL)

1. My name is Loetta Holland. I am over the age of nineteen years and am competent to execute this affidavit, which is based on my personal knowledge, training and experience.

2. I am a Lieutenant and the Jail Administrator of the Russell County Jail, Russell County, Alabama, and was employed in that position at all times relevant to Plaintiff's Complaint.

3. I have reviewed the Plaintiff's Complaint filed in this matter. I have no personal knowledge of the facts stated in the Complaint. I did not become aware of the allegations made the basis of the Plaintiff's Complaint until I was served with it.

4. It is and has been the policy of the Russell County Jail that inmates be allowed outdoor recreation time when weather and security conditions permit.

5. Most inmates are allowed indoor recreation time in the day rooms every day, except when they are placed on lock-down or in administrative segregation.

6. It is and has been the policy of the Russell County Sheriff's Office that members of the Jail staff receive and answer inmate grievances, and if an officer cannot answer an inmate's grievance, it is forwarded to the Jail Administrator for a response.

7. Forms on which grievances may be related to the Jail staff are readily available in the Jail. Inmates are furnished these grievance forms upon request. Copies of all completed grievances and request forms are placed in an inmate's Jail file.

8. The Plaintiff has failed to file a grievance form regarding any claim alleged in his Complaint.

9. It is and has been the policy of the Russell County Sheriff's Office that all inmates confined in the Russell County Jail are entitled to medical services as circumstances dictated and as deemed necessary by the nurses on call or the visiting physician for maintaining their physical and mental health. All inmates incarcerated in the Russell County Jail may request health care services at any time.

10. It is and has been the policy of the Russell County Sheriff's Office that no member of the jail staff, or other Sheriff's Office employee, could ever summarily or arbitrarily deny an inmate's reasonable request for medical services. All judgments regarding the necessity of medical treatment are left to a licensed health care practitioner.


11. The Russell County Jail employs a full-time Licensed Practical Nurse, Nurse Riley-Pelfrey, and Dr. Warr, who visits the Jail twice a week for inmate sick call.

12. The Plaintiff has filed numerous medical requests, mostly for pain medication, and each has received a response, either verbal or written.

13. The Plaintiff has never been denied medical care during his incarceration at the Russell County Jail.

7. I certify and state that the documents provided to the Court which are attached to the Defendants' Special Report are true and correct copies of the Plaintiff's inmate and health records kept at the Russell County Jail in the regular course of business.

8. I affirm, to the best of my present knowledge and information, that the above statements are true, that I am competent to make this affidavit, and that the above statements were made by drawing from my personal knowledge of the situation.


Loetta Holland

SWORN TO and SUBSCRIBED before me this 31 day of March, 2008.


NOTARY PUBLIC

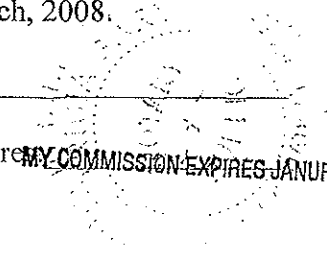
My Commission Expires  MY COMMISSION EXPIRES JANUARY 11, 2012

Exhibit P

Affidavit of Thomas F. Boswell

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

WILLIAM LANIER ELLIS, SR.,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO.: 3:08-cv-55-WKW-SRW
)
TOMMY BOSWELL,)
)
Defendant.)

AFFIDAVIT OF THOMAS F. BOSWELL

STATE OF ALABAMA)
)
COUNTY OF RUSSELL)

1. My name is Thomas F. Boswell. I am over the age of nineteen and am competent to execute this affidavit. This affidavit is based on my personal knowledge, training and experience.

2. I am the duly-elected Sheriff of Russell County, Alabama, and was the duly-elected Sheriff of Russell County at all times relevant to Plaintiff's Complaint.

3. I am familiar with the Plaintiff, William Ellis, because he has been incarcerated in the Russell County Jail since October 2006.

4. I have reviewed the Plaintiff's Complaint filed in this matter. I have no personal knowledge of the facts stated in the Complaint. I did not become aware of the allegations made the basis of the Plaintiff's Complaint until I was served with it.

5. It is and has been the policy of the Russell County Jail that inmates be allowed outdoor recreation time when weather and security conditions permit.

6. Most inmates are allowed indoor recreation time in the day rooms every day, except when they are placed on lock-down or in administrative segregation.

7. It is and has been the policy of the Russell County Sheriff's Office that members of the Jail staff receive and answer inmate grievances, and if an officer cannot answer an inmate's grievance, it is forwarded to the Jail Administrator for a response.


8. Forms on which grievances may be related to the Jail staff are readily available in the Jail. Inmates are furnished these grievance forms upon request. Copies of all completed grievances and request forms are placed in an inmate's Jail file.

9. It is and has been the policy of the Russell County Sheriff's Office that all inmates confined in the Russell County Jail are entitled to medical services as circumstances dictated and as deemed necessary by the nurses on call or the visiting physician for maintaining their physical and mental health. All inmates incarcerated in the Russell County Jail could request health care services at any time.

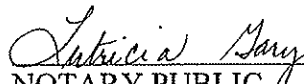
10. It is and has been the policy of the Russell County Sheriff's Office that no member of the jail staff, or other Sheriff's Office employee, could ever summarily or arbitrarily deny an inmate's reasonable request for medical services. All judgments regarding the necessity of medical treatment were left to a licensed health care practitioner.

11. I am not personally involved in the day-to-day operations of the jail. I have delegated that power and authority to the Jail Administrator.

12. I affirm, to the best of my present knowledge and information, that the above statements are true, that I am competent to make this affidavit, and that the above statements were made by drawing from my personal knowledge of the situation.


Thomas F. Boswell

SWORN TO and **SUBSCRIBED** before me this 3/ day of March, 2008.


NOTARY PUBLIC
My Commission Expires MY COMMISSION EXPIRES JANUARY 11, 2012

